

Minute

Policy and Resources Committee

Tuesday, 23 September 2025, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Heather N Woodbridge, Alexander G Cowie, Graham A Bevan, Stephen G Clackson, David Dawson, P Lindsay Hall, Steven B Heddle, Rachael A King, W Leslie Manson, James R Moar, Janette A Park, John A R Scott, Gwenda M Shearer, Jean E Stevenson, Ivan A Taylor, Mellissa-Louise Thomson, Owen Tierney and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Councillors Kristopher D Leask, Raymond S Peace and Gillian Skuse.

Clerk

- Hazel Flett, Service Manager (Governance).

In Attendance

- Oliver D Reid, Chief Executive.
- Stephen Brown, Chief Officer, Orkney Health and Social Care Partnership.
- Hayley Green, Director of Infrastructure and Organisational Development.
- Gareth Waterson, Director of Enterprise and Resources.
- Gavin Mitchell, Head of Corporate Governance.
- Andrew Groundwater, Head of Human Resources and Organisational Development.
- Alex Rodwell, Head of Performance and Business Support.
- Gavin Barr, Head of Planning and Regulatory Services (for Items 8 and 9).
- Pat Robinson, Service Manager (Accounting) (for Items 10 to 16).
- Glen Thomson, Service Manager (Property and Capital Projects) (for Items 1 to 4).
- Emma Chattington, Service Manager (Organisational Development) (for Item 10).
- Katell Roche, Team Manager (Sport and Leisure) (for Items 1 and 2).
- Christie Hartley, Team Manager (Sustainable Tourism) (for Items 6 to 8).
- Nick Blyth, Climate Change Strategy Officer (for Items 8 and 9).
- Shaun Hourston-Wells, Policy and Performance Manager (for Items 10 and 11).

In Attendance via remote link (Microsoft Teams)

- Darren Morrow, Head of Children, Families and Justice Services and Chief Social Work Officer.

Observing

- Sweyn Johnston, Head of Enterprise and Economic Growth (for Items 6 to 8).
- Kerry Spence, Service Manager (Community Learning, Development and Employability) (for Items 1 and 2).
- Kirsty Groundwater, Communications Team Leader (for Items 1 to 9).
- Katie Gibson, Team Manager (Corporate Finance) (for Items 1 to 4).
- Fiona Bain, Equality, Diversity and Inclusion Adviser (for Item 10).
- Susan Taylor, Committees Officer.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Heather N Woodbridge.

1. Exclusion of Public

On the motion of Councillor Heather N Woodbridge, seconded by Councillor Alexander G Cowie, the Committee resolved that the public be excluded for Item 2, as the business to be considered involved the disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

2. Proposed Development of Birsay Campsite

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraphs 8 and 9 of Part 1 of Schedule 7A of the Act.

After consideration of a report by the Director of Education, Communities and Housing, copies of which had been circulated, and after hearing a report from the Team Manager (Sport and Leisure), the Committee:

Resolved to **recommend to the Council** that the proposed development of Birsay campsite be added to the capital programme for financial year 2025/26 onwards.

The above constitutes the summary of the Minute in terms of the Local Government (Scotland) Act 1973 section 50C(2) as amended by the Local Government (Access to Information) Act 1985.

3. Capital Expenditure Outturn

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Director of Enterprise and Resources, the Committee:

Noted:

3.1. The summary outturn position of expenditure incurred for financial year 2024/25 in respect of the General Fund and Non-General Fund capital programmes, as detailed in section 1.7 of the report of by the Head of Finance.

3.2. The detailed analysis of expenditure figures and project updates in respect of the General Fund and Non-General Fund capital programmes, attached as Appendix 1 to the report by the Head of Finance.

4.Capital Slippage and Acceleration

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Director of Enterprise and Resources, the Committee:

Resolved to **recommend to the Council:**

4.1. That the sum of £1,719,000 be carried forward from financial year 2024/25 to financial years 2025/26 and onwards in respect of net slippage on projects contained within the General Fund capital programme.

4.2. That the sum of £310,000 be carried forward from financial year 2024/25 to financial years 2025/26 and onwards in respect of net slippage on projects contained within the Non-General Fund capital programme.

4.3. That the revised five-year General Fund and Non-General Fund capital programmes, attached as Appendix 1 to this Minute, be approved.

5. Regulation of Investigatory Powers

After consideration of a report by the Chief Executive, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Corporate Governance, the Committee:

Noted:

5.1. That, since October 2024:

- There had been no changes in the law or to relevant guidance in connection with the Council's statutory powers to conduct covert surveillance.
- There had been no cause for the Council to exercise its statutory powers to conduct covert surveillance.

The Committee resolved to **recommend to the Council:**

5.2. That updated policies and procedures in connection with the Council's arrangements for covert surveillance and the use of covert human intelligence sources, attached as Appendices 2 to 7 to this Minute, be approved.

6. Throughcare and Aftercare Financial Policy and Procedure

After consideration of a report by the Chief Officer, Orkney Health and Social Care Partnership, together with an Equality Impact Assessment and an Island Communities Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Children, Families and Justice Services and Chief Social Work Officer, the Committee:

Resolved to **recommend to the Council** that the Throughcare and Aftercare Financial Policy and Procedure, attached as Appendix 8 to this Minute, be approved.

7. Social Work Financial Assistance Policy and Procedures

After consideration of a report by the Chief Officer, Orkney Health and Social Care Partnership, together with an Equality Impact Assessment and an Island Communities Impact Assessment, copies of which had been circulated, the Committee:

Resolved to **recommend to the Council**:

7.1. That the Section 12 Policy and Procedure, attached as Appendix 9 to this Minute, be approved.

7.2. That the Section 22 Policy and Procedure, attached as Appendix 10 to this Minute, be approved.

8. Orkney Visitor Levy

After consideration of a report by the Director of Enterprise and Resources, copies of which had been circulated, and after hearing a report from the Team Manager (Sustainable Tourism), the Committee:

Resolved to **recommend to the Council**:

8.1. That the Council should not progress implementation of an overnight visitor levy at this time.

8.2. That engagement with the Scottish Government and other relevant stakeholders should continue on alternative tourism levy models appropriate to an island context.

9. Scotland's Draft Climate Change Plan

After consideration of a report by the Director of Infrastructure and Organisational Development, copies of which had been circulated and after hearing a report from the Climate Change Strategy Officer, the Committee:

Resolved to **recommend to the Council** that the response by the Council to the call for views by the Scottish Parliament's Net Zero, Energy and Transport Committee on Scotland's next draft Climate Change Plan, attached as Appendix 11 to this Minute, be endorsed.

10. Equality, Diversity and Inclusion Priorities

After consideration of a report by the Director of Infrastructure and Organisational Development, copies of which had been circulated, and after hearing a report from the Service Manager (Organisational Development), the Committee:

Resolved to **recommend to the Council** that the Equality, Diversity and Inclusion Priorities Progress Report 2024/2025, attached as Appendix 12 to this Minute, be approved for publishing insofar as it applied to the Council.

11. Integration Joint Board – Annual Performance Report

After consideration of a report by the Chief Officer, Orkney Health and Social Care Partnership, copies of which had been circulated, and after hearing a report from the Policy and Performance Manager, the Committee:

Noted the Annual Performance Report for 2024/25, prepared by the Integration Joint Board, attached as Appendix 1 to the report by the Chief Officer, Orkney Health and Social Care Partnership.

12. Revenue Expenditure Outturn

12.1. Policy and Resources

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Accounting), the Committee:

Noted:

12.1.1. The revenue expenditure monitoring statement in respect of service areas for which the Policy and Resources Committee was responsible, for financial year 2024/25, attached as Annex 1 to the report by the Head of Finance, indicating a budget underspend position of £4,600,400.

12.1.2. The revenue financial detail by service area statement of service areas for which the Policy and Resources Committee was responsible, for financial year 2024/25, attached as Annex 2 to the report by the Head of Finance.

12.1.3. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance.

12.2. Orkney Health and Care

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Accounting), the Committee:

Noted:

12.2.1. The revenue expenditure monitoring statement in respect of service areas within the Orkney Health and Social Care Partnership, for which the Council was responsible, for financial year 2024/25, attached as Annex 1 to the report by the Head of Finance, indicating a budget overspend position of £3,556,300.

12.2.2. The revenue financial detail by service area statement in respect of service areas within the Orkney Health and Social Care Partnership, for which the Council was responsible, for financial year 2024/25, attached as Annex 2 to the report by the Head of Finance.

12.2.3. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance.

12.3. Summary

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Accounting), the Committee:

Noted:

12.3.1. The summary revenue expenditure monitoring statement for financial year 2024/25, attached as Annex 1 to the report by the Head of Finance, indicating the following:

- A total General Fund overspend of £232,900.
- A surplus in Sources of Funding of £233,200.
- A net Non-General Fund deficit of £266,200.

12.3.2. The sources of funding statement for financial year 2024/25, attached as Annex 2 to the report by the Head of Finance.

12.3.3. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance.

Councillor P Lindsay Hall left the meeting during discussion of this item.

13. Revenue Expenditure Monitoring

13.1. Policy and Resources

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Accounting), the Committee:

Noted:

13.1.1. The revenue expenditure monitoring statement in respect of service areas for which the Policy and Resources Committee was responsible, for the period 1 April to 30 June 2025, attached as Annex 1 to the report by the Head of Finance, indicating a budget underspend position of £394,000.

13.1.2. The revenue financial detail by service area statement in respect of service areas for which the Policy and Resources Committee was responsible, for the period 1 April to 30 June 2025, attached as Annex 2 to the report by the Head of Finance.

13.1.3. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance.

Councillor P Lindsay Hall rejoined the meeting during discussion of this item.

13.2. Orkney Health and Care

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Accounting), the Committee:

Noted:

13.2.1. The revenue expenditure monitoring statement in respect of service areas within the Orkney Health and Social Care Partnership, for which the Council was responsible, for the period 1 April to 30 June 2025, attached as Annex 1 to the report by the Head of Finance, indicating a budget overspend position of £442,400.

13.2.2. The revenue financial detail by service area statement in respect of service areas within the Orkney Health and Social Care Partnership, for which the Council was responsible, for the period 1 April to 30 June 2025, attached as Annex 2 to the report by the Head of Finance.

13.2.3. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance.

13.3. Summary

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Accounting), the Committee:

Noted:

13.3.1. The summary revenue expenditure monitoring statement for the period 1 April to 30 June 2025, attached as Annex 1 to the report by the Head of Finance, indicating the following:

- A total General Fund underspend of £8,695,600.
- A deficit in Sources of Funding of £4,453,100.
- A net Non-General Fund surplus of £3,565,400.

13.3.2. The sources of funding statement for the period 1 April to 30 June 2025, attached as Annex 2 to the report by the Head of Finance.

13.3.3. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance.

14. Police and Fire Sub-committee

After consideration of the draft Minute of the Meeting of the Police and Fire Sub-committee held on 26 August 2025, copies of which had been circulated, the Committee:

Resolved, on the motion of Councillor David Dawson, seconded by Councillor Graham A Bevan, to approve the Minute of the Meeting of the Police and Fire Sub-committee held on 26 August 2025, attached as Appendix 13 of this Minute, as a true record.

15. Pension Fund Sub-committee, together with Pension Board

After consideration of the draft Minute of the Meeting of the Pension Fund Sub-committee, together with the Pension Board, held on 28 August 2025, copies of which had been circulated, the Committee:

Resolved, on the motion of Councillor Alexander G Cowie, seconded by Councillor Rachael A King, to approve the Minute of the Meeting of the Pension Fund Sub-committee, together with the Pension Board, held on 28 August 2025, attached as Appendix 14 to this Minute, as a true record.

16. Asset Management Sub-committee

After consideration of the draft Minute of the Meeting of the Asset Management Sub-committee held on 2 September 2025, copies of which had been circulated, the Committee:

Resolved, on the motion of Councillor Alexander G Cowie, seconded by Councillor Ivan A Taylor, to approve the Minute of the Meeting of the Asset Management Sub-committee held on 2 September 2025, attached as Appendix 15 to this Minute, as a true record.

17. Conclusion of Meeting

At 12:51 the Chair declared the meeting concluded.

Signed: Heather N Woodbridge.

		Total Budget £000	2024/25 £000	2025/26 £000	2026/27 £000	2027/28 £000	2028/29 £000
General Fund Summary							
A	Other Housing	2,340	0	585	585	585	585
B	Community Social Services	5,158	3,804	1,354	0	0	0
C	Education	2,140	1,750	390	0	0	0
D	Cultural and Recreational Services	613	444	169	0	0	0
E	Roads	8,181	1,655	2,576	1,500	1,500	950
F	Transportation Services	2,962	974	1,382	500	91	15
G	Environmental services	95	17	78	0	0	0
H	Planning & Protective Services	1,409	659	750	0	0	0
J	Administration Services	18,400	3,429	4,000	4,000	4,000	2,971
Expenditure Total		41,298	12,732	11,284	6,585	6,176	4,521
Other Housing							
OH1	Housing Loans	2,340	0	585	585	585	585
A		2,340	0	585	585	585	585
Social Care							
SC10	New Care Facility, Kirkwall	5,158	3,804	1,354	0	0	0
B		5,158	3,804	1,354	0	0	0
Education							
ED13	New Kirkwall Nursery	2,126	1,736	390	0	0	0
ED14	School Kitchen Improvements	14	14	0	0	0	0
C		2,140	1,750	390	0	0	0
Leisure and Cultural							
LC9	Refurb. improve Scapa Flow Visitor Centre and Museum	8	8	0	0	0	0
LC13	Papdale East Play Park	41	41	0	0	0	0
LC14	Ness Campsite	17	17	0	0	0	0
LC15	Playpark Renewals	206	42	164	0	0	0
LC16	Shipwreck Tank	61	56	5	0	0	0
LC17	Viking Gallery	266	266	0	0	0	0
LC18	Moodie Treasures	14	14	0	0	0	0
D		613	444	169	0	0	0
Roads							
RD5	Cycling, Walking & Safer Routes / 20 MPH Scheme	125	125	0	0	0	0
RD6	Roads Asset Replacement Programme	6,354	904	1,500	1,500	1,500	950
RD25	Cursiter Quarry Expansion	851	252	599	0	0	0
RD26	Coastal Change Adaptation	450	8	442	0	0	0
RD27	Salt Storage Facility (Cursiter Quarry)	401	366	35	0	0	0
E		8,181	1,655	2,576	1,500	1,500	950
Transportation							
TR8	Electric vehicle charging infrastructure	217	217	0	0	0	0
TR17	Airfield buildings - Papay and Stronsay	988	356	632	0	0	0
TR18	Community Bus Fund	93	93	0	0	0	0
TR19	Airfield buildings - Eday and Westray	1,384	28	750	500	91	15
TR20	Charles Ann II Purchase	280	280	0	0	0	0
F		2,962	974	1,382	500	91	15
Central Administration and Asset Replacement							
CA2	IT replacement programme	2,701	481	600	600	600	420
CA4	Plant & Vehicle Replacement	6,756	1,356	1,400	1,400	1,400	1,200
CA11	Miscellaneous Property Sales & Purchases	23	23	0	0	0	0
CA15	Scottish Water Vesting	2	2	0	0	0	0
J		9,482	1,862	2,000	2,000	2,000	1,620
Corporate Property							
	Corporate Improvement Programme	8,918	1,567	2,000	2,000	2,000	1,351
J		8,918	1,567	2,000	2,000	2,000	1,351

		Total Budget £000	2024/25 £000	2025/26 £000	2026/27 £000	2027/28 £000	2028/29 £000
Development & Planning							
PL10	Active Travel	428	285	143	0	0	0
DV6	Dounby Visitor Infrastructure Hub	981	374	607	0	0	0
H		1,409	659	750	0	0	0
Operational Environmental Services							
OES2	Burial Grounds - Mainland Extensions	87	9	78	0	0	0
OES3	Burial Grounds - Mainland Major Improvements	8	8	0	0	0	0
OES4	Burial Grounds - Island Extensions	0	0	0	0	0	0
OES5	Burial Grounds - Island Major Improvements	0	0	0	0	0	0
OES7	Integrated Waste Facility	0	0	0	0	0	0
G		95	17	78	0	0	0
Non General Fund Summary							
K	Housing Revenue Account	3,305	2,995	310	0	0	0
L	Orkney College	219	0	219	0	0	0
M	Scapa Flow Oil Port	938	338	150	150	150	150
N	Miscellaneous Piers and Harbours	9,993	1,146	4,888	3,244	415	300
O	Strategic Reserve Fund	801	325	119	119	119	119
Expenditure Total		15,256	4,804	5,686	3,513	684	569
Housing Revenue Account							
HRA4	House Purchases	2,396	2,396	0	0	0	0
HRA17	Carness	70	70	0	0	0	0
HRA18	Moar Drive	365	365	0	0	0	0
HRA19	Repeater Road	5	5	0	0	0	0
HRA24	Carness Phase 2	469	159	310	0	0	0
K		3,305	2,995	310	0	0	0
OC1	L Plant & Vehicles	219	0	219	0	0	0
		219	0	219	0	0	0
Scapa Flow Oil Port							
SF7	Minor Improvements	938	338	150	150	150	150
M		938	338	150	150	150	150
Miscellaneous Piers							
MP1	Minor Improvements	2,023	823	300	300	300	300
MP17	Kirkwall Pier Water Break Tank System	131	131	0	0	0	0
MP18	Reclamation at Hatston Pier - Ph 1	7,683	36	4,588	2,944	115	0
MP21	Harbour - Lnad & Property Purchases	156	156	0	0	0	0
N		9,993	1,146	4,888	3,244	415	300
Strategic Reserve Fund							
SRF1	SRF Property Maintenance	476	0	119	119	119	119
SRF3	Investment Properties buy /sell	325	325	0	0	0	0
O		801	325	119	119	119	119



Policy on Covert Surveillance

Contents

1. Introduction	3
2. Objective	3
3. Scope of the Policy	4
4. Principles of Surveillance	4
5. The Authorisation Process	6
6. Documents	6
7. Security and Retention of Documents	7
8. Central Record of all Authorisations	7
Document control Sheet	9

1. Introduction

1.1.

In some circumstances, it may be necessary for Council employees where evidence cannot be obtained in any other way, in the course of their duties, to make observations of a person or persons in a covert manner, i.e. without that person's knowledge. By their nature, actions of this sort are potentially intrusive (in the ordinary sense of the word) and may give rise to legal challenge as a potential breach of Article 8 of the European Convention on Human Rights and the Human Rights Act 1998 ("the right to respect for private and family life").

1.2.

The Regulation of Investigatory Powers Act (2000) [RIPA], the Regulation of Investigatory Powers (Scotland) Act (2000) [RIP(S)A] and the Investigatory Powers Act 2016 ("the Acts") together provide a legal framework for covert surveillance by public authorities and an independent inspection regime to monitor these activities.

1.3.

The Investigatory Powers Act 2016 establishes an Investigatory Powers Commissioner's Office whose remit includes providing comprehensive oversight of the use of powers to which this Policy applies.

1.4.

The Investigatory Powers Tribunal, established in terms of RIPA, has jurisdiction to investigate and determine complaints against public authority use of investigatory powers.

1.5.

The Chief Executive is the RIPA Senior Responsible Officer, who has oversight and scrutiny in relation to the RIPA function and ensures the integrity of the processes in place and acts as the main point of contact with the Investigatory Powers Commissioner. In the Chief Executive's absence, the Head of Corporate Governance will deputise.

1.6.

A detailed procedure has been developed for Covert Surveillance ("the Procedure").

2. Objective

The objective of this policy is to ensure that all covert surveillance by Council employees is carried out effectively, while remaining in accordance with the law. It should be read in conjunction with the Scottish Government's Code of Practice on Covert Surveillance and Property Interference ("the Code of Practice").

3. Scope of the Policy

This Policy applies in all cases where “directed surveillance” is being planned or carried out. Directed surveillance is defined in section 1(2) of the RIP(S) Act as surveillance, which is covert but not intrusive, and undertaken:

3.1.

For the purposes of a specific investigation or specific operation.

3.2.

In such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation).

3.3.

Otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under the RIP(S) Act to be sought for the carrying out of the surveillance. In cases of doubt, the authorisation procedures described below should however be followed.

4. Principles of Surveillance

4.1.

In planning and carrying out covert surveillance, Council employees shall comply with the following principles.

4.1.1.

Lawful purposes – covert surveillance shall only be carried out where necessary to achieve one or more of the permitted purposes (as defined in the Acts); i.e. it must be:

- For the purpose of preventing or detecting crime or the prevention of disorder.
- In the interest of public safety.
- For the purpose of protecting public health.

Employees carrying out surveillance shall not cause damage to any property or harass any person.

4.1.2.

Necessity – covert surveillance shall only be undertaken where there is no reasonable and effective alternative way of achieving the desired objective(s).

4.1.3.

Effectiveness – planned covert surveillance shall be undertaken only by suitably trained or experienced employees, or under their direct supervision.

4.1.4.

Proportionality – the use and extent of covert surveillance shall be as defined in section 6(2) of the RIP(S) Act – that the authorised surveillance is proportionate to what is sought to be achieved by carrying it out.

4.2.

Obtaining an authorisation under the Acts will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place. The RIP(S)A first requires that the person granting an authorisation is satisfied that the authorisation is necessary in the circumstances of the particular case for one or more of the statutory grounds in section 6(3) of the RIP(S) Act for directed surveillance and in section 10(2)(a) of the RIP(S) Act for intrusive surveillance.

4.3.

Then, if the activities are necessary, the person granting the authorisation must be satisfied that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

4.4.

Intrusive surveillance – no activity shall be undertaken that comes within the definition of "Intrusive Surveillance", as defined in section 1(3) of the RIP(S) Act as covert surveillance that:

4.4.1.

Is carried out in relation to anything taking place on any residential premises or in any private vehicle.

4.4.2.

Involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

4.5.

Collateral intrusion – reasonable steps shall be taken to minimise the acquisition of information that is not directly necessary for the purposes of the investigation or operation being carried out.

4.6.

Before authorising surveillance, the authorising officer should also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation (collateral intrusion). Measures should be

taken, wherever practicable, to avoid or minimise unnecessary intrusion into the lives of those not directly connected with the investigation or operation.

4.7.

Authorisation – all directed surveillance shall be authorised in accordance with the Procedure.

5. The Authorisation Process

5.1.

The statutory purposes for which covert surveillance authorisations may be issued must reflect the functions of the Council.

5.2.

Applications for directed surveillance where knowledge of confidential information is likely to be acquired shall be authorised by a Director.

5.3.

Directors should be the designated officer to give the necessary written authorisation for the use or conduct of covert surveillance. In urgent or exceptional circumstances written or oral authorisation might be given by an officer of Chief Officer grade.

5.4.

In terms of the Scottish Government's Code of Practice a written authorisation granted by an authorising officer will cease to have effect (unless renewed) at the end of a period of three months beginning with the day on which it took effect. Urgent oral authorisations granted by a person who is entitled to act only in urgent cases will, unless renewed, cease to have effect after 72 hours, beginning with the time when the authorisation was granted or renewed. Further details are contained in the Procedure and Chapter 5 of the Code of Practice.

6. Documents

6.1.

The Procedure in implementation of this policy uses the following documents:

6.1.1. Covert Surveillance – Written Authorisation

This should be completed by the applicant in all cases not covered by oral authorisation (below). It is effective from the time that approval is given.

6.1.2. Covert Surveillance – Oral Authorisation

This is a record of an oral authorisation, which should be completed by the applicant. It should be used only in cases where the urgency of the situation makes the submission of a written application impractical. The authorising officer should write out a separate authorisation as soon as practical.

6.1.3. Covert Surveillance – Renewal of Authorisation

This should be completed by the applicant in all cases where surveillance is required beyond the previously authorised period (including previous renewals) and thereafter signed by the authorising officer.

6.1.4. Covert Surveillance – Cancellation

This should be completed by both the applicant and the authorising officer when the authorisation ceases to be either necessary or appropriate.

7. Security and Retention of Documents

7.1.

Documents created under this procedure are highly confidential and shall be treated as such. Services must ensure that arrangements are in place for the handling, storage and destruction of material obtained through the use of covert surveillance. Authorising officers must ensure compliance with the requirements of data protection legislation, the Procedure for Authorisation of Covert Surveillance, Chapter 8 of the Scottish Government's Code of Practice on Covert Surveillance and Property Interference and the Council's RIPSA Data Safeguards Compliance Process.

7.2.

The Head of Corporate Governance shall maintain a register of current and past authorisations. Applicant officers shall ensure that sufficient information is provided to keep this up to date.

8. Central Record of all Authorisations

8.1.

A centrally retrievable record of all authorisations should be held by the Head of Corporate Governance and be regularly updated whenever an authorisation is granted, renewed or cancelled. The record should be made available to the relevant Inspector from the Investigatory Powers Commissioner's Office, upon request. These records should be retained for a period of five years from the ending of the authorisation and should contain the following information:

- The type of authorisation.
- The date the authorisation was given.
- Name and rank/grade of the authorising officer.
- The unique reference number (URN) of the investigation or operation.
- The title of the investigation or operation, including a brief description and names of subjects, if known.
- Whether the urgency provisions were used, and if so why.
- If the authorisation is renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the authorising officer.
- Whether the investigation or operations is likely to result in obtaining confidential information as defined in this code of practice.
- The date the authorisation was cancelled.

8.2.

In all cases, Services should maintain for a period of three years the following documentation which need not form part of the centrally retrievable record:

- A copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer.
- A record of the period over which the surveillance has taken place.
- A record of the result of each review of the authorisation.
- A copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested.
- The date and time when any instruction was given by the authorising officer.

Document control Sheet

Review / Approval History

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1 May 2018	Gavin Mitchell	Head of Legal Services	V1.2– approved at General Meeting of the Council
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Procedure for Authorisation of Covert Surveillance

Contents

1. Foreword	3
2. Implications of this Procedure.....	3
3. Objective.....	4
4. Scope of the Procedure	5
5. Principles of Surveillance.....	5
6. The Authorisation Process.....	6
7. Time Periods – Authorisations	9
8. Time Periods – Renewals	10
9. Review	10
10. Cancellation	11
11. Record Keeping	11
12. Security and Retention of Documents	11
13. Oversight	12
14. Complaints.....	12
Document control Sheet	13

1. Foreword

1.1.

The use of surveillance to provide information is a valuable resource for the protection of the public and the maintenance of law and order. In order that local authorities and law enforcement agencies are able to discharge their responsibilities, use is made of unaided surveillance and surveillance devices. Where this surveillance is covert i.e. the subject of the surveillance is unaware that it is taking place, then it must be authorised to ensure that it is lawful. CCTV systems in the main will not be subject to this procedure as they are 'overt' forms of surveillance. However where CCTV is used as part of a pre-planned operation of surveillance then authorisation should be obtained. This includes circumstances where such use is sought by the Council or by a third party such as the Police. For the use of CCTV for covert surveillance, officers should refer to paragraph 10 of the Council's CCTV Code of Practice.

1.2.

A legal framework ensures that the use of surveillance is subject to an authorisation, review and cancellation procedure.

2. Implications of this Procedure

2.1.

In some circumstances, it may be necessary for Orkney Islands Council employees, in the course of their duties, to make observations of a person or person(s) in a covert manner, i.e. without that person's knowledge. By their nature, actions of this sort may constitute an interference with that person's right to privacy and may give rise to legal challenge as a potential breach of Article 8 of the European Convention on Human Rights and the Human Rights Act 1998 ('the right to respect for private and family life').

2.2.

The Regulation of Investigatory Powers Act (2000) [RIPA], the Regulation of Investigatory Powers (Scotland) Act (2000) [RIP(S) A] and the Investigatory Powers Act 2016 ('the Acts') together provide a legal framework for covert surveillance activities by public authorities (including local authorities) and an independent inspection regime to monitor these activities.

2.3.

Whilst the Acts do not impose a requirement for local authorities to seek or obtain an authorisation, where one is available, Orkney Islands Council employees will adhere to the authorisation procedure before conducting any covert surveillance.

2.4.

Employees of Orkney Islands Council will not carry out intrusive surveillance within the meaning of the Regulation of Investigatory Powers (Scotland) Act 2000. This is surveillance of anything taking place on residential premises or in a private vehicle

that involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device capable of providing information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the house or vehicle.

2.5.

A number of practical examples of the use of directed surveillance are contained in sections 3 and 4 of the Scottish Government's [Code of Practice on Covert Surveillance and Property Interference](#).

3. Objective

3.1.

The objective of this procedure is to ensure that all work involving directed surveillance by Orkney Islands Council employees is carried out effectively, while remaining in accordance with the law. It should be read in conjunction with the Regulation of Investigatory Powers (Scotland) Act 2000 and the Scottish Government's Code of Practice on Covert Surveillance and Property Interference ("the Code of Practice").

3.2.

Definitions:

3.2.1.

Covert surveillance means surveillance that is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is taking place.

3.2.2.

Authorising officer is the person who is entitled to give an authorisation for directed surveillance in accordance with section 6 of the Regulation of Investigatory Powers (Scotland) Act 2000.

3.2.3.

Private Information includes information about a person relating to their private or family life.

3.2.4.

Residential premises means any premises occupied or used, however temporarily, for residential purposes or otherwise as living accommodation.

3.2.5.

Private vehicle means any vehicle that is used primarily for the private purpose of the person who owns it or of a person otherwise having the right to use it. This does not include a person whose right to use the vehicle derives only from their having paid, or undertaken to pay, for the use of the vehicle and its driver for a particular journey. A vehicle includes any vessel, aircraft or hovercraft.

4. Scope of the Procedure

4.1.

This procedure applies in all cases where 'direct surveillance' is being planned or carried out. Direct surveillance is defined in the Code of Practice as surveillance undertaken "for the purposes of a specific investigation or operation" and "in such a manner as is likely to result in the obtaining of private information about a person".

4.2.

The procedure does not apply to:

- Ad-hoc covert observations that do not involve the systematic surveillance of specific person(s).
- Observations that are not carried out covertly.
- Unplanned observations made as an immediate response to events.

4.3.

Particular attention should be made to Social Media Networking Sites. A separate policy is in place in connection with surveillance through social media and should be consulted as necessary.

4.4.

In cases of doubt, the authorisation procedures described below should be followed.

5. Principles of Surveillance

In planning and carrying out covert surveillance, Orkney Islands Council employees shall comply with the following principles.

5.1. Lawful purposes

5.1.1.

Directed surveillance shall only be carried out where necessary to achieve one or more of the permitted purposes (as defined in the Acts) namely:

- For the purpose of preventing or detecting crime or the prevention of disorder.
- In the interests of public safety.
- For the purpose of protecting public health.

5.1.2.

Employees carrying out surveillance shall not interfere with any property or harass any person.

5.2. Confidential material

5.2.1.

Particular care should be taken with applications where a significant risk of acquiring confidential material has been identified.

5.2.2.

Confidential material consists of:

- Matters subject to legal privilege (for example between professional legal advisor and client). In terms of the Regulation of Investigatory Powers (Modification of the Authorisation Provisions: Legal Consultations) (Scotland) Order 2015, directed surveillance carried out on premises in respect of matters subject to legal privilege is to be treated as intrusive surveillance and can only be carried out by the police.
- Confidential personal information (for example relating to a person's physical or mental health).
- Confidential journalistic material.

6. The Authorisation Process**6.1.**

Applications for directed surveillance will be authorised by a Director. In urgent or exceptional circumstances written or oral authorisation might be given by an officer of Chief Officer grade who has not been designated which should as soon as practicable be followed up by a written authorisation from the relevant official.

6.2.

Authorising officers within the meaning of this procedure should avoid authorising their own activities wherever possible and only do so in exceptional circumstances.

6.3.

All applications for directed surveillance authorisations will be made on the appropriate application form. The applicant in all cases should complete this. In urgent cases the authorising officer may give an oral authorisation. A statement that the authorising officer has expressly granted the authorisation should be recorded on the form or, if that is not possible, in the applicant's notebook or diary. This should be done by the person to whom the authorising officer spoke (normally the applicant) but should later be endorsed by the authorising officer. The authorising officer should write out a separate authorisation as soon as practical.

6.4.

All applications for directed surveillance renewals will be made on the appropriate form. The applicant in all cases should complete this where the surveillance requires to continue beyond the previously authorised period (including previous renewals). The renewal of the authorisation should be considered and signed by the authorising officer.

6.5.

Where authorisation ceases to be either necessary or appropriate the authorising officer will cancel an authorisation using the appropriate form submitted by the applicant.

6.6.

Forms, codes of practice and supplementary material are available on the Council's Intranet.

6.7.

Any person giving an authorisation for the use of directed surveillance must be satisfied that:

- Account has been taken of the likely degree of intrusion into the privacy of persons other than those directly implicated in the operation or investigation ('collateral intrusion'). Measures must be taken, wherever practicable, to avoid unnecessary intrusion into the lives of those affected by collateral intrusion.
- The authorisation is necessary (see below).
- The authorised surveillance is proportionate (see below).
- In particular when Environmental Health Investigators deploy DAT noise level monitors to assist in any enforcement action in relation to noisy neighbour complaints. These cases should be reviewed on a case by case basis and if necessary the appropriate authorisation sought.
- In relation to aerial surveillance, using, for example, drones, the same considerations should be made to determine whether a directed surveillance authorisation is appropriate. In considering whether the surveillance should be regarded as covert, account should be taken of the reduced visibility of a craft or device at altitude.

6.8. Necessity

Surveillance operations shall only be undertaken where an authorisation is necessary on grounds falling within S.6(3) of RIP(S)A if it is necessary (a) for the purpose of preventing or detecting crime or of preventing disorder; (b) in the interests of public safety; or (c) for the purpose of protecting public health.

6.9. Effectiveness

Surveillance operations shall be undertaken only by suitably trained or experienced employees, or under their direct supervision.

6.10. Proportionality

The use of surveillance shall be proportionate in terms of S6(2)(b) of RIP(S)A to what is sought to be achieved by carrying it out. Further there must be no other reasonable and effective way of achieving the desired objective(s).

A potential model answer would make clear that the following elements of proportionality had been fully considered:

- balancing the size and scope of the operation against the gravity and extent of the perceived mischief.
- explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others.
- that the activity is an appropriate use of the legislation and the only reasonable way, having considered all others, of obtaining the necessary result.

- providing evidence of other methods considered and why they were not implemented.

6.11. Authorisation

6.11.1.

All directed surveillance shall be authorised in accordance with this procedure.

The authorising officer must take into account the following issues when considering an application:

- who is to conduct the operation.
- what is being proposed.
- where and when the proposed operation will take place.
- whether it is necessary and proportionate.

6.11.2.

Underlying all of these considerations is the requirement for the authorising officer to be satisfied that the terms of the legislation and relevant guidance are met.

6.11.3.

The case for the authorisation should be presented in the application in a fair and balanced way. In particular, all reasonable efforts should be made to take account of information which supports or weakens the case for the authorisation.

6.11.4.

The authorising officer should clearly complete the “Authorising Officer’s Statement” on the application form, preferably in their own hand, and articulate in their own words what activity they are authorising.

The Authorising Officer must state explicitly what is being authorised.

6.11.5.

The Authorising Officer must describe and specify what they are granting. This may or may not be the same as requested by the applicant. For the benefit of those operating under the terms of an authorisation, or any person who may subsequently review or inspect an authorisation, it is essential to produce, with clarity, a description of that which is being authorised (i.e. who, what, where, when and how). The Authorising Officer should as a matter of routine state explicitly and in their own words what is being authorised, and against which subjects, property or location.

6.11.6.

Mere reference to the terms of the application is inadequate. The Authorising Officer should specify the details of how and why they consider the application to be both necessary and proportionate.

Authorisation different from application.

6.11.7.

If an application fails to include an element in the proposed activity which in the opinion of the Authorising Officer should have been included (for example, the return of something to the place from which it is to be taken for some specified activity), or which is subsequently requested orally by the applicant, it may be included in the authorisation; if so, a note should be added explaining why. Conversely, if an Authorising Officer does not authorise all that was requested, a note should be added explaining why. This requirement applies equally to intrusive surveillance, property interference, directed surveillance and CHIS authorisations.

The Senior Responsible Officer should avoid granting authorisations.

6.11.8.

The role of the Senior Responsible Officer is to oversee the competence of Authorising Officers and the processes in use in their public authority. Whilst legislation does not preclude their use as an Authorising Officer, it is unlikely that they would be regarded as objective if they oversee their own authorisations.

6.11.9.

Applications for covert surveillance that may result in the acquisition of knowledge of matters subject to legal privilege within the meaning given in paragraph 1.1 of the Code of Practice should state whether the covert surveillance is likely or intending to obtain knowledge of matters subject to legal privilege. Where covert surveillance is likely or intended to result in the acquisition of knowledge of matters subject to legal privilege, an authorisation shall only be granted or approved if the Authorising Officer is satisfied that there are exceptional and compelling circumstances that make the authorisation necessary.

6.11.10.

Where the surveillance is not intended to result in the acquisition of knowledge of matters subject to legal privilege, such exceptional and compelling circumstances may arise in the interests of preventing or detecting serious crime.

6.11.11.

Where the surveillance is intended to result in the acquisition of knowledge of matters subject to legal privilege, such circumstances will arise only in a very restricted range of cases, such as where there is a threat to life or limb and the surveillance is reasonably regarded as likely to yield intelligence necessary to counter the threat.

7. Time Periods – Authorisations

7.1.

Urgent oral authorisations granted by a person who is entitled to act only in urgent cases unless renewed, cease to have effect after 72 hours, beginning with the time when the authorisation was granted or renewed.

7.2.

In terms of the Scottish Government's Code of Practice a written authorisation granted by an Authorising Officer will cease to have effect (unless renewed) at the end of a period of three months beginning with the day on which it took effect.

8. Time Periods – Renewals

8.1.

If at any time before an authorisation would cease to have effect, the Authorising Officer considers it necessary and proportionate for the authorisation to continue for the purpose for which it was given, the authorisation may be renewed in writing for a further period of three months. Renewals may also be granted orally in urgent cases and last for a period of 72 hours. Applications should only be made shortly before the authorisation is due to expire.

8.2.

Any person entitled to authorise may renew authorisations. They may be renewed more than once, provided they continue to meet the criteria for authorisation.

9. Review

9.1.

The Authorising Officer shall keep all authorisations under constant review and an authorisation will be cancelled immediately the requirement for surveillance ceases. The Authorising Officer should set review dates and ensure that all reviews are carried out with the review period tailored to meet the particular requirements of the investigation. Details of the review and the decision reached shall be noted on the Review Form.

9.2.

During a review, the Authorising Officer who granted or last renewed the authorisation may amend specific aspects of the authorisation, for example, to cease directed surveillance against one of a number of named subjects or to discontinue the use of a particular tactic.

9.3.

Particular attention should be given to the need to review authorisations frequently where they involve a high level of intrusion into private life or significant collateral intrusion, or particularly sensitive information is likely to be obtained. At the point when the Council is considering applying for an authorisation, it must have regard to whether the level of protection to be applied in relation to information obtained under the warrant or authorisation is higher because of the particular sensitivity of that information.

9.4.

In each case, unless specified by the Investigatory Powers Commissioner's Office, the frequency of reviews should be determined by the Council. This should be as frequently as is considered necessary and proportionate.

9.5.

In the event that there are any significant and substantive changes to the nature of the operation during the currency of the authorisation, the Council should consider whether it is necessary to apply for a new authorisation.

10. Cancellation**10.1.**

Those acting under an authorisation must keep their authorisations under review and notify the Authorising Officer if they consider that the authorisation is no longer necessary or proportionate, and so should therefore be cancelled.

10.2.

The Authorising Officer and the applicant must cancel an authorisation if they are satisfied that the directed surveillance no longer satisfies the criteria for authorisation.

11. Record Keeping

Each Service or discrete location within Services must maintain a record of all applications for authorisation (including refusals), renewals, reviews and cancellations. A centrally retrievable record of all authorisations will be held by the Head of Corporate Governance and be regularly updated whenever an authorisation is granted, renewed or cancelled. An application for authorisation cannot proceed until a unique reference number (URN) has been issued by the Head of Corporate Governance and the Head of Corporate Governance must have sight of each and every application. The central register should be kept up-to-date at all times. The record should be made available to the relevant Inspector from the Investigatory Powers Commissioner's Office, upon request. These records should be retained for a period of at least five years. Section 8 of Orkney Islands Council's Policy on Covert Surveillance contains further details.

12. Security and Retention of Documents**12.1.**

Documents created under this procedure are highly confidential and shall be treated as such. Services shall make proper arrangements for their retention, security and destruction, in accordance with the requirements of data protection legislation and Chapter 8 of the Scottish Government's Code of Practice on Covert Surveillance and Property Interference and the Council's RIPSAs Data Safeguards Compliance Process.

12.2.

Dissemination or copying of material must be limited to the minimum necessary for authorised purposes. The purposes are authorised if the material:

- Is, or is likely to become, necessary for any of the statutory purposes set out in RIPSAs in relation to covert surveillance or property interference;
- Is necessary for facilitating the carrying out of the functions of public authorities under RIPSAs;
- Is necessary for facilitating the carrying out of any functions of the Investigatory Powers Commission or the Investigatory Powers Tribunal;
- Is necessary for the purposes of legal proceedings; or
- Is necessary for the performance of the functions of any person by or under any enactment.

12.3.

The Head of Corporate Governance will maintain the Central Register of Authorisations. Authorising Officers shall notify the Head of Corporate Governance of the grant, renewal or cancellation of any authorisations and the name of the Applicant Officer within one working day to ensure the accuracy of the Central Register.

12.4.

The Authorising Officer shall retain the original Authorisation and Renewal Forms until cancelled. On cancellation, the original Application, Renewal and Cancellation forms shall be forwarded to the Head of Corporate Governance with the Authorising Officer retaining a copy.

12.5.

The Authorising Officer shall retain the copy forms for a period of three years after cancellation. The Head of Corporate Governance will retain the original forms for a period of five years after cancellation. In both cases these will not be destroyed without the authority of the Authorising Officer if practicable.

13. Oversight

The Investigatory Powers Act 2016 establishes an Investigatory Powers Commissioner's Office to provide comprehensive oversight of the use of the powers to which this Procedure applies. This oversight includes inspection visits by Inspectors appointed by the Investigatory Powers Commissioner.

14. Complaints

The Investigatory Powers Tribunal has jurisdiction to investigate and determine complaints against public authority use of investigatory powers. Any complaints in respect of the use by the Council of its powers described in this Procedure should be directed to the Investigatory Powers Tribunal. Full details of how to present a complaint are available on the Tribunal's website – <https://investigatorypowerstribunal.org.uk/>.

Document control Sheet

Review / Approval History

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Policy on Use of Covert Human Intelligence Sources

Contents

1. Introduction	3
2. Objective	3
3. Scope of the Policy	4
4. Principles of the Use and Conduct of a Source	4
5. The Authorisation Process	6
6. Documents	6
7. Security and Retention of Documents	7
8. Central Record of all Authorisations	7
Document control Sheet	9

1. Introduction

1.1.

In some circumstances, it may be necessary for Orkney Islands Council employees where evidence cannot be obtained in any other way, in the course of their duties, to make use of informants and to conduct 'undercover' operations in a covert manner, i.e. without a person's knowledge. By their nature, actions of this sort may constitute an interference with that person's right to privacy and may give rise to legal challenge as a potential breach of Article 8 of the European Convention on Human Rights and the Human Rights Act 1998 ("the right to respect for private and family life").

1.2.

The Regulation of Investigatory Powers Act (2000) [RIPA], the Regulation of Investigatory Powers (Scotland) Act (2000) [RIP(S)A] and the Investigatory Powers Act 2016 ("the Acts") together provide a legal framework for use of Covert Human Intelligence Sources by public authorities and an independent inspection regime to monitor these activities.

1.3.

The Investigatory Powers Act 2016 establishes an Investigatory Powers Commissioner's Office whose remit includes providing comprehensive oversight of the use of powers to which this Policy applies.

1.4.

The Investigatory Powers Tribunal, established in terms of RIPA, has jurisdiction to investigate and determine complaints against public authority use of investigatory powers.

1.5.

The Chief Executive is the RIPA Senior Responsible Officer, who has oversight and scrutiny in relation to the RIPA function and ensures the integrity of the processes in place and acts as the main point of contact with the Investigatory Powers Commission. In the Chief Executive's absence, the Head of Corporate Governance will deputise.

1.6.

A detailed procedure has been developed for Covert Human Intelligence Sources ("the Procedure").

2. Objective

The objective of this Policy is to ensure that all use or conduct of a source by Council employees is carried out effectively, while remaining in accordance with the law. It should be read in conjunction with the Scottish Government's [Covert human intelligence sources: code of practice](#) ("the Code of Practice").

3. Scope of the Policy

3.1.

This Policy applies in all cases where the use of an undercover officer or source is being planned or carried out. All Officers involved should be suitably trained and experienced.

3.2.

This Policy does not apply to covert test purchase transactions under existing statutory powers where the officers involved do not establish a personal or other relationship for the purposes stated. As an example the purchase of music CD for subsequent expert examination would not require authorisation but where the intention is to ascertain from the seller where he/she buys suspected fakes, when he/she takes delivery etc. then authorisation should be sought beforehand; or tasks given to persons (whether that person is an employee of the Council or not) to ascertain purely factual information (for example the location of cigarette vending machines in licensed premises).

3.3.

In terms of Section 1(7) of RIPSAs a person is a covert human intelligence source if the person:

1. Establishes or maintains a personal or other relationship with another person for the covert purpose of facilitating the doing of anything falling within paragraph 2 or 3 below.
2. Covertly uses such a relationship to obtain information or to provide access to any information to another person.
3. Covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

4. Principles of the Use and Conduct of a Source

4.1.

In planning and carrying out the use of covert human intelligence sources, Council employees shall comply with the following principles.

4.1.1.

Lawful purposes – the use and conduct of a source shall only be carried out where necessary to achieve one or more of the permitted purposes (as defined in the Acts); i.e. it must be:

1. For the purpose of preventing or detecting crime or the prevention of disorder.
2. In the interest of public safety.
3. For the purpose of protecting public health.

Employees carrying out source work or using sources must be aware that a source has no licence to commit crime.

4.1.2.

Necessity – An authorisation for the use of a Covert Human Intelligence Source is necessary on grounds falling within section 7 (3) of RIP(S)A if it is necessary (a) for the purpose of preventing or detecting crime or of preventing disorder; (b) in the interests of public safety; or (c) for the purpose of protecting public health.

4.1.3.

Effectiveness – planned undercover operations shall be undertaken only by suitably trained or experienced employees, or under their direct supervision.

4.1.4.

Proportionality – the use and extent of a source shall be as defined in section 6(2) of the RIP(S)A – that the authorised use and conduct of a source is proportionate to what is sought to be achieved by carrying it out.

4.2.

Obtaining an authorisation under RIP(S)A will only ensure that the authorised use or conduct of a source is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for the source to be used. RIP(S)A first requires that the person granting an authorisation is satisfied that the authorisation is necessary in the circumstances of the particular case for one or more of the statutory grounds in section 7(3) of RIP(S)A.

4.3.

If the use of the source is necessary, the person granting the authorisation must be satisfied that the use of a source is proportionate to what is sought to be achieved by the conduct and use of that source. This involves balancing the intrusiveness of the use of the source on the target and others who might be affected by it against the need for the source to be used in operational terms. The use of a source will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. The use of a source should be carefully managed to meet the objective in question and sources must not be used in an arbitrary or unfair way.

4.4.

Collateral intrusion – reasonable steps shall be taken to minimise the acquisition of information that is not directly necessary for the purposes of the investigation or operation being carried out.

4.5.

Before authorising the use or conduct of a source, the Authorising Officer should take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the operation or investigation (collateral intrusion).

Measures should be taken, wherever practicable, to avoid unnecessary intrusion into the lives of those not directly connected with the operation or investigation.

4.6.

Authorisation – all use and conduct of Covert Human Intelligence Sources shall be authorised in accordance with the Procedure. Additionally, the Authorising Officer must make an assessment of any risk to a source in carrying out the conduct in the proposed authorisation and satisfactory arrangements exist for the management of the source.

5. The Authorisation Process

5.1.

Applications for use of a Covert Human Intelligence Source will be authorised by a Director.

5.2.

A Director should be a designated officer to give the necessary written authorisation for the use or conduct of a Covert Human Intelligence Source. In urgent or exceptional circumstances written or oral authorisation might be given by an officer of Chief Officer grade which should as soon as practicable be followed up by a written authorisation from the relevant official.

5.3.

In terms of the Scottish Government's Code of Practice a written authorisation granted by an Authorising Officer will cease to have effect (unless renewed) at the end of a period of 12 months beginning with the day on which it took effect. Urgent oral authorisations granted by a person who is entitled to act only in urgent cases will unless renewed, cease to have effect after 72 hours, beginning with the time when the authorisation was granted or renewed. Further details are contained in the Procedure. Particular special rules apply to the use of vulnerable individuals or juvenile sources. Additional guidance is contained in Chapter 5 of the Code of Practice.

6. Documents

6.1.

The Procedure in implementation of this Policy uses the following documents:

1. Use or conduct of a covert human intelligence source – Written Authorisation

This should be completed by the applicant in all cases not covered by oral authorisation (below). It is effective from the time that approval is given.

2. Use or conduct of a covert human intelligence source – Oral Authorisation

This is a record of an oral authorisation, which should be completed by the applicant. It should be used only in cases where the urgency of the situation makes the

submission of a written application impractical. The Authorising Officer should write out a separate authorisation as soon as practical.

3. Use or conduct of a covert human intelligence source – Renewal of Authorisation

This should be completed by the applicant in all cases where surveillance is required beyond the previously authorised period (including previous renewals) and thereafter signed by the Authorising Officer.

4. Use or conduct of a covert human intelligence source – Cancellation

This should be completed by both the applicant and the Authorising Officer when the authorisation ceases to be either necessary or appropriate.

7. Security and Retention of Documents

7.1.

Documents created under this procedure are highly confidential and shall be treated as such. Services must ensure that arrangements are in place for the handling, storage and destruction of material obtained through the use of a covert human intelligence source. Authorising Officers must ensure compliance with the requirements of data protection legislation, the Procedure for Authorisation of the use of Covert Human Intelligence Sources, Chapter 7 of the Scottish Government's Code of Practice on Covert Human Intelligence Sources and the Council's RIPSAs Data Safeguards Compliance Process.

7.2.

The Head of Corporate Governance shall maintain a register of current and past authorisations. Applicant officers shall ensure that sufficient information is provided to keep this up to date.

8. Central Record of all Authorisations

8.1.

A centrally retrievable record of all authorisations should be held by the Head of Corporate Governance and be regularly updated whenever an authorisation is granted, renewed or cancelled. The record should be made available to the relevant Inspector from the Investigatory Powers Commissioner's Office, upon request. These records should be retained for a period of five years from the ending of the authorisation and should contain the following information:

- The type of authorisation.
- The date the authorisation was given.
- Name and rank/grade of the authorising officer.
- The unique reference number (URN) of the investigation or operation.
- The title of the investigation or operation, including a brief description and names of subjects, if known.
- Whether the urgency provisions were used, and if so why.

- If the authorisation is renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the authorising officer.
- Whether the investigation or operations is likely to result in obtaining confidential information as defined in this code of practice.
- The date the authorisation was cancelled.

8.2.

In all cases, Services should maintain for a period of three years the following documentation which need not form part of the centrally retrievable record:

- A copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer.
- A record of the period over which the activities of the source has taken place.
- A record of the result of each review of the authorisation; the results of which should be recorded in the central record.
- A copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested.
- The date and time when any instruction was given by the authorising officer.

Document control Sheet

Review / Approval History

Date	Name	Position	Version Approved
1 May 2018	Gavin Mitchell	Head of Legal Services	V1.2– approved at General Meeting of the Council
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Procedure for Authorisation of the use of Covert Human Intelligence Sources

Contents

1. Foreword	3
2. Implications of this Procedure.....	3
3. Objective.....	4
4. Scope of the Procedure	5
5. Principles of Use or Conduct of Covert Human Intelligence Source	6
6. The Authorisation Process.....	8
7. Security and Welfare	13
8. Time Periods – Authorisations.....	13
9. Time Periods – Renewals.....	14
10. Review.....	14
11. Cancellation.....	15
12. Record Keeping.....	15
13. Security and Retention of Documents	16
14. Particulars to be Contained in Records	17
15. Oversight	18
16. Complaints.....	18
Document control Sheet	19

1. Foreword

1.1.

The use of human beings to provide information ('informants') is a valuable resource for the protection of the public and the maintenance of law and order. In order that local authorities and law enforcement agencies are able to discharge their responsibilities, use is made of 'undercover' officers and informants. These are referred to as 'covert human intelligence sources' or 'sources' and the area of work of undercover officers and informants to whom this procedure applies will be referred to as 'source work'.

1.2.

A legal framework ensures that the use, deployment, duration and effectiveness of sources is subject to an authorisation, review and cancellation procedure.

2. Implications of this Procedure

2.1.

In some circumstances, it may be necessary for Orkney Islands Council employees, in the course of their duties, to make use of informants and to conduct 'undercover' operations in a covert manner, i.e. without a person's knowledge. By their nature, actions of this sort may constitute an interference with that person's right to privacy and may give rise to legal challenge as a potential breach of Article 8 of the European Convention on Human Rights and the Human Rights Act 1998 ('the right to respect for private and family life').

2.2.

The Regulation of Investigatory Powers Act (2000) [RIPA] and the Regulation of Investigatory Powers (Scotland) Act (2000) [RIP(S)A] and the Investigatory Powers Act 2016 ('the Acts') together provide a legal framework for covert surveillance activities by public authorities (including local authorities) and an independent inspection regime to monitor these activities.

2.3.

Whilst the Acts do not impose a requirement for local authorities to seek or obtain an authorisation, where one is available Orkney Islands Council employees will adhere to the authorisation procedure before using a source or allowing or conducting an undercover operation.

2.4.

Employees of Orkney Islands Council will not carry out intrusive surveillance within the meaning of RIPA nor will they authorise any person for any covert human intelligence source activity as an opportunity to install any surveillance equipment into residential premises or private vehicle.

2.5.

A number of practical examples of the use of covert human intelligence sources are contained in sections 2, 3 and 4 of the Scottish Government's [Code of Practice on Covert Human Intelligence Sources](#).

3. Objective

3.1.

The objective of this procedure is to ensure that all work involving the use or conduct of a source by Orkney Islands Council employees is carried out effectively, while remaining in accordance with the law. It should be read in conjunction with the Regulation of Investigatory Powers (Scotland) Act 2000 and the Scottish Government's Code of Practice on the Use of Covert Human Intelligence Sources ("the Code of Practice").

3.2. Definitions

3.2.1.

Covert human intelligence source means a person who establishes or maintains a personal relationship with another person for the covert purpose of facilitating anything that:

1. Covertly uses such a relationship to obtain information or to provide information or to provide access to information to another person; or
2. Covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

A relationship is used covertly if, and only if, it is conducted in a manner calculated to ensure that the person is unaware of its purpose.

3.2.2.

Directed surveillance is defined in the Code of Practice as surveillance undertaken "for the purposes of a specific investigation or operation" and "in such a manner as is likely to result in the obtaining of private information about a person".

3.2.3.

Authorising Officer is the person who is entitled to give an authorisation for use and conduct of a Covert Human Intelligence Source in accordance with section 7 of the Regulation of Investigatory Powers (Scotland) Act 2000.

3.2.4.

Handler means the person referred to in section 7(6) of the Regulation of Investigatory Powers (Scotland) Act 2000 holding an office or position within the local authority and who will have day to day responsibility for:

- Dealing with the source on behalf of the local authority.
- Directing the day to day activities of the source.

- Recording the information supplied by the source.
- Monitoring the source's security and welfare.

3.2.5.

Controller means the person/the designated managerial officer within the local authority referred to in section 7(6)(b) of the Regulation of Investigatory Powers (Scotland) Act 2000, responsible for the general oversight of the use of the source.

3.2.6.

The conduct of a source is action of that source, falling within the terms of the Regulation of Investigatory Powers (Scotland) Act 2000, or action incidental to it.

3.2.7.

The use of a source is any action to induce, ask or assist a person to engage in the conduct of a source or to obtain information by means of an action of the source.

3.2.8.

Private information includes information about a person relating to their private or family life.

3.2.9.

Residential premises means any premises occupied or used, however temporarily for residential purposes or otherwise as living accommodation.

3.2.10.

Private vehicle means any vehicle that is used primarily for the private purpose of the person who owns it or of a person otherwise having the right to use it. This does not include a person whose right to use the vehicle derives only from their having paid, or undertaken to pay, for the use of the vehicle and its driver for a particular journey. A vehicle includes any vessel, aircraft or hovercraft.

4. Scope of the Procedure

4.1.

This procedure applies in all cases where the use of an undercover officer or source is being planned or carried out.

4.2.

The procedure does not apply to:

- Covert test purchase transactions under existing statutory powers where the officers involved do not establish a personal or other relationship for the purposes stated (see definition of a covert human intelligence source). As an example, the purchase of a music CD for subsequent expert examination would not require authorisation but where the intention is to ascertain from the seller where they buy suspected fakes, when they take delivery etc. then authorisation should be sought beforehand.

- Tasks given to persons (whether that person is an employee of the Council or not) to ascertain purely factual information (for example the location of cigarette vending machines in licensed premises).
- Particular attention should be made to Social Media Networking Sites. A separate policy is in place in connection with surveillance through social media and should be consulted as necessary. In cases of doubt, the authorisation procedures described below should be followed.

5. Principles of Use or Conduct of Covert Human Intelligence Source

In planning and carrying out the source work, Orkney Islands Council employees shall comply with the following principles.

5.1. Lawful purposes

Source work shall only be carried out where necessary to achieve one or more of the permitted purposes (as defined in the Acts) namely:

- For the purpose of preventing or detecting crime or the prevention of disorder.
- In the interests of public safety.
- For the purpose of protecting public health.

Employees carrying out source work or using sources must be aware that a source has no licence to commit crime. Any source that acts beyond the acceptable limits of case law in regard to this principle risks prosecution.

It may be necessary to deploy directed surveillance against a potential source as part of the process of assessing their suitability for recruitment, or in planning how best to make the approach to them. An authorisation under this procedure authorising an officer to establish a covert relationship with a potential source could be combined with a directed surveillance authorisation so that both the officer and potential source could be followed.

5.2. Confidential material

5.2.1.

Particular care should be taken with applications where a significant risk of acquiring confidential material has been identified.

5.2.2.

Confidential material consists of:

- Matters subject to legal privilege (for example between professional legal advisor and client); special rules apply in relation to directed surveillance carried out on premises where legal consultations are taking place and are referred to in the Procedure for Authorisation of Covert Surveillance.
- Confidential personal information (for example relating to a person's physical or mental health).

- Confidential journalistic material.

5.3. Vulnerable individuals

5.3.1.

Vulnerable individuals, such as a person aged 16 or over whose ability to protect him/herself from violence, abuse or neglect is significantly impaired through physical or mental disability or illness, through old age or otherwise, will only be authorised to act as a source in the most exceptional circumstances.

5.3.2.

Special safeguards also apply to the use or conduct of juvenile sources, that is, those under the age of 18 years. The use or conduct of any source under 16 years of age living with their parents cannot be authorised to give information about their parents.

5.3.3.

Subject to the above, juvenile sources can give information about members of their immediate family in exceptional cases. A parent, guardian or other 'appropriate adult' should be present at meetings with the juvenile source under the age of 16 years.

5.3.4.

An authorisation for the conduct or use of a source may not be granted or renewed in any case where the source is under the age of 18 at the time of the grant or renewal, unless:

- A person holding an office, rank or position with the relevant investigating authority has made and, in the case of a renewal, updated a risk assessment sufficient to demonstrate that:
 - The nature and magnitude of any risk of physical injury to the source arising in the course of, or as a result of, carrying out the conduct described in the authorisation have been identified and evaluated.
 - The nature and magnitude of any risk of psychological distress to the source arising in the course of carrying out the conduct described in the authorisation have been identified and evaluated.
- The person granting or renewing the authorisation has considered the risk assessment and is satisfied that any risks identified in it are justified and, if they are, that they have been properly explained to and understood by the source.
- The person granting or renewing the authorisation knows whether the relationship to which the conduct or use would relate is between the source and a relative, guardian or person who has for the time being assumed responsibility for the source's welfare, and, if it is, has given particular consideration to whether the authorisation is justified in the light of that fact.

6. The Authorisation Process

6.1.

Applications for the use or conduct of a source will be authorised by a Director, who will give the necessary written authorisation for the use or conduct of the Covert Human Intelligence Source. In urgent or exceptional circumstances written or oral authorisation might be given by an officer of Chief Officer grade who has not been designated which should as soon as practicable be followed up by a written authorisation from the relevant official.

6.2.

Authorising Officers should ensure that arrangements are in place for the proper oversight and management of sources, including appointing individual officers as defined in section 7(6)(a) and (b) of RIP(S)A for each source as handler and controller. All Officers involved should be suitably trained and experienced.

6.3.

Authorising Officers should not be responsible for authorising their own activities, for example, those in which they, themselves, are to act as the Covert Human Intelligence Source or the handler of the Covert Human Intelligence Source. Furthermore, Authorising Officers should, where possible, be independent of the investigation. It is recognised that this is not always possible, especially in the cases of small organisations. However, where possible, clear separation should be maintained between those responsible for the investigation and those managing the Covert Human Intelligence Source to ensure that the safety and welfare of the Source are always given due consideration.

6.4.

All applications for covert human intelligence source authorisations will be made on the appropriate form. The applicant in all cases should complete this. In urgent cases an oral authorisation may be given by the Authorising Officer. A statement that the Authorising Officer has expressly granted the authorisation should be recorded on the form or, if that is not possible, in the applicant's notebook or diary. This should be done by the person to whom the Authorising Officer spoke (normally the applicant) but should later be endorsed by the Authorising Officer. The Authorising Officer should write out a separate authorisation as soon as practical.

6.5.

The case for the authorisation should be presented in the application in a fair and balanced way. In particular, all reasonable efforts should be made to take account of information which supports or weakens the case for the authorisation.

6.6.

All applications for covert human intelligence source renewals will be made on the appropriate form. The applicant in all cases should complete this where the source work requires to continue beyond the previously authorised period (including

previous renewals). The renewal of the authorisation should be signed by the authorising officer.

6.7.

Where authorisation ceases to be either necessary or appropriate the Authorising Officer and the applicant will cancel an authorisation using the appropriate form.

6.8.

Forms, codes of practice and supplementary material are available on the Council's Intranet.

6.9.

Any person giving an authorisation for the use of a Covert Human Intelligence Source must be satisfied that:

- Account has been taken of the likely degree of intrusion into the privacy of persons other than those directly implicated in the operation or investigation ('collateral intrusion'). Measures must be taken, wherever practicable, to avoid unnecessary intrusion into the lives of those affected by collateral intrusion. Particular consideration should be given in cases where religious, medical, journalistic or legally privileged material may be involved, or where the communications of a member of a relevant legislature may be involved.
- The authorisation is necessary (see below).
- The authorised surveillance is proportionate (see below).
- Satisfactory arrangements exist for the management of the source.
- In particular when Environmental Health Investigators deploy DAT noise level monitors to assist in any enforcement action in relation to noisy neighbour complaints. These cases should be reviewed on a case by case basis and if necessary the appropriate authorisation sought.

6.10.

Authorisation for use of a Covert Human Intelligence Source can only be granted if sufficient arrangements are in place for handling the Source's case. The arrangements that are considered necessary are that:

6.10.1.

There will at all times be a person holding the requisite office, rank or position with the relevant investigating authority who will have day to day responsibility for dealing with the Source on behalf of that authority and for the Source's security and welfare – this should be the Source's line manager (the Handler).

6.10.2.

There will at all times be another person holding the requisite office, rank or position with the relevant investigating authority who will have general oversight of the use made of that Source – this should be the Handler's line manager (the Controller).

6.10.3.

There will at all times be a person holding the requisite office, rank or position with the relevant investigating authority who will have responsibility for maintaining a record of the use made of that Source – this should be the Authorising Officer.

6.10.4.

The records relating to the use of that Source are maintained by Orkney Islands Council which will always contain particulars of such matters as may be specified in regulations made by the Scottish Ministers.

6.10.5.

The records maintained by Orkney Islands Council that disclose the identity of the Source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons. The records kept by Orkney Islands Council should be maintained in such a way as to preserve the confidentiality of the Source and the information provided by that Source. There should, at all times, be a designated person within the authority who will have responsibility for maintaining a record of the use made of the Source.

6.11. Necessity

An authorisation for the use of a Covert Human Intelligence Source is necessary on grounds falling within section 7 (3) of RIP(S)A if it is necessary (a) for the purpose of preventing or detecting crime or of preventing disorder; (b) in the interests of public safety; or (c) for the purpose of protecting public health.

6.12. Effectiveness

Planned undercover operations shall be undertaken only by suitably trained or experienced employees, or under their direct supervision.

6.13. Proportionality

The use of Covert Human Intelligence Sources must be proportionate or in terms of section 7(b) of RIP(S)A that the authorised conduct or use is proportionate to what is sought to be achieved by that conduct or use.

A potential model answer would make clear that the following elements of proportionality had been fully considered:

- Balancing the size and scope of the operation against the gravity and extent of the perceived mischief.
- Explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others.

- Whether there are any implications of the authorised conduct for the privacy of others, and an explanation of why (if relevant) it is nevertheless proportionate to proceed with the operation.
- That the activity is an appropriate use of the legislation and the only reasonable way, having considered all others, of obtaining the necessary result.
- Providing evidence of other methods considered and why they were not implemented.

The degree of intrusiveness of an authorisation of a Covert Human Intelligence Source will vary from case to case, and therefore proportionality must be assessed on an individual basis.

6.14. Authorisation

All use and conduct of Covert Human Intelligence Sources shall be authorised in accordance with this procedure.

The Authorising Officer must take into account the following issues when considering an application:

- Who is to be deployed as the source.
- What is being proposed.
- Where and when the proposed deployment will take place.
- Whether it is necessary and proportionate.

6.14.1.

However, the tasking of a person should not be used as the sole benchmark in seeking an authorisation. It is the activity of the Covert Human Intelligence Source in exploiting a relationship for a covert purpose which is ultimately authorised by RIP(S)A, whether or not that source is asked to do so by the Council. It is possible therefore that a person will become engaged in the conduct of a Covert Human Intelligence Source without the Council inducing, asking or assisting the person to engage in that conduct. An authorisation should be considered, for example, where the Council is aware that a third party is independently maintaining a relationship (i.e. self-tasking) in order to obtain evidence of criminal activity, and the Council intends to make use of that material for its own investigative purposes.

6.14.2.

Underlying all of these considerations is the requirement for the Authorising Officer to be satisfied that the terms of the legislation and relevant guidance are met.

6.14.3.

The Authorising Officer should clearly complete the “Authorising Officer’s Statement” on the application form, preferably in their own hand, and articulate in their own words what activity they are authorising.

The Authorising Officer must state explicitly what is being authorised.

6.14.4.

The Authorising Officer must describe and specify what they are granting. This may or may not be the same as requested by the applicant. For the benefit of those operating under the terms of an authorisation, or any person who may subsequently review or inspect an authorisation, it is essential to produce, with clarity, a description of that which is being authorised (i.e. who, what, where, when and how). The Authorising Officer should as a matter of routine state explicitly and in their own words what is being authorised, and against which subjects, property or location. Mere reference to the terms of the application is inadequate. The Authorising Officer should specify the details of how and why they consider the application to be both necessary and proportionate.

Authorisation different from application.

6.14.5.

If an application fails to include an element in the proposed activity which in the opinion of the Authorising Officer should have been included (for example, the return of something to the place from which it is to be taken for some specified activity), or which is subsequently requested orally by the applicant, it may be included in the authorisation; if so, a note should be added explaining why. Conversely, if an Authorising Officer does not authorise all that was requested, a note should be added explaining why. This requirement applies equally to intrusive surveillance, property interference, directed surveillance and CHIS authorisations.

6.14.6.

It is important to note that the reactive nature of the work of a Covert Human Intelligence Source, and the need for them to maintain cover, may make it necessary for the Source to engage in conduct which was not envisaged at the time the authorisation was granted, but which is incidental to that conduct. Such incidental conduct is regarded as properly authorised by virtue of sections 1(6)(a), 5 and 7(5) of RIP(S)A, even though it was not specified in the initial authorisation.

The Senior Responsible Officer should avoid granting authorisations.

6.14.7.

The role of the Senior Responsible Officer is to oversee the competence of Authorising Officers and the processes in use in their public authority. Whilst legislation does not preclude their use as an Authorising Officer, it is unlikely that they would be regarded as objective if they oversee their own authorisations.

6.14.8.

Additionally, the Authorising Officer must assess risks to a Source in carrying out the conduct in the proposed authorisation. The risk assessment must be made by the applicant and presented to the Authorising Officer for consideration. A risk assessment is carried out to determine the risk to the Source of any tasking and the likely consequences should the role of the Source become known. The ongoing

security and welfare of the Source, after the cancellation of the authorisation, will also be considered from the outset.

Use of a Covert Human Intelligence Source with technical equipment.

6.14.9.

A Covert Human Intelligence Source wearing or carrying a surveillance device and invited into residential premises or a private vehicle does not require special authorisation to record activity taking place inside the premises or vehicle. Authorisation for the use of that Covert Human Intelligence Source may be obtained in the usual way.

6.14.10.

Applicants should apply within their own line management structure unless other arrangements have been agreed or it is unreasonable or impractical in the circumstances.

7. Security and Welfare

The Council, when deploying a Covert Human Intelligence Source, should take into account the safety and welfare of that Source when carrying out actions in relation to an authorisation or tasking, and the foreseeable consequences to others of that tasking. Before authorising the use or conduct of a Covert Human Intelligence Source, the Authorising Officer should ensure that a risk assessment is carried out to determine the risk to the Source of any tasking and the likely consequences should the role of the Source become known. This should consider the risks relating to the specific tasking and circumstances of each authorisation separately and should be updated to reflect developments during the course of the deployment, as well as after the deployment if contact is maintained.

8. Time Periods – Authorisations

8.1.

Urgent oral authorisations granted by a person who is entitled to act only in urgent cases will, unless renewed, cease to have effect after 72 hours, beginning with the time when the authorisation was granted or renewed.

8.2.

In terms of the Scottish Government's Code of Practice a written authorisation granted by an Authorising Officer will cease to have effect (unless renewed) at the end of a period of 12 months beginning with the day on which it took effect. Authorisations for the deployment of a juvenile Source are for one month.

9. Time Periods – Renewals

9.1.

Before an Authorising Officer renews an authorisation, they must be satisfied that a review has been carried out of the use of a Source as outlined in paragraph 10.1 of this Procedure.

9.2.

If at any time before an authorisation would cease to have effect, the Authorising Officer considers it necessary for the authorisation to continue for the purpose for which it was given, they may renew it in writing for a further period of twelve months. Renewals may also be granted orally in urgent cases and last for a period of 72 hours.

9.3.

A renewal takes effect at the time at which, or day on which the authorisation would have ceased to have effect but for the renewal. An application for renewal should not be made until shortly before the authorisation period is drawing to an end. Any person who would be entitled to grant a new authorisation can renew an authorisation. Authorisations may be renewed more than once, in necessary, provided they continue to meet the criteria for authorisation. The renewal should be kept/recorded as part of the authorisation record.

9.4.

Authorisations for the deployment of a juvenile Source are renewable for a further period or further periods of one month each.

10. Review

10.1.

The Authorising Officer shall keep all authorisations under constant review and an authorisation will be cancelled immediately the requirement for surveillance ceases. The Authorising Officer should set review dates and ensure that all reviews are carried out immediately after the Source has been deployed with the review period tailored to meet the particular requirements of the investigation. Details of the review and the decision reached shall be noted on the Review Form.

10.2.

Particular attention should be given to the need to review authorisations frequently where they involve a high level of intrusion into private life or significant collateral intrusion, or particularly sensitive information is likely to be obtained. At the point when the Council is considering applying for an authorisation, it must have regard to whether the level of protection to be applied in relation to information obtained under the warrant or authorisation is higher because of the particular sensitivity of that information.

10.3.

In each case, unless specified by the Investigatory Powers Commissioner's Office, the frequency of reviews should be determined by the Council. This should be as frequently as is considered necessary and proportionate.

10.4.

In the event that there are any significant and substantive changes to the nature of the operation during the currency of the authorisation, the Council should consider whether it is necessary to apply for a new authorisation.

11. Cancellation**11.1.**

The Authorising Officer and the applicant must keep each authorisation under review. The applicant must notify the Authorising Officer if they consider that the authorisation is no longer necessary or proportionate. The Authorising Officer must cancel an authorisation if they are satisfied that the use or conduct of the Source no longer satisfies the criteria for authorisation or that procedures for the management of the Source are no longer in place. Where possible, the Source must be informed that the authorisation has been cancelled.

11.2.

Where necessary and practicable, the safety and welfare of the Covert Human Intelligence Source should continue to be taken into account after the authorisation has been cancelled and risk assessments maintained. The Authorising Officer will wish to satisfy themselves that all welfare matters are addressed and should make appropriate comment in their written commentary.

12. Record Keeping**12.1.**

Each Service or discrete location within Services must maintain a record of all applications for authorisation (including refusals), renewals, reviews and cancellations. A centrally retrievable record of all authorisations will be held by the Head of Corporate Governance and be regularly updated whenever an authorisation is granted, renewed or cancelled. An application for authorisation cannot proceed until a unique reference number (URN) has been issued by the Head of Corporate Governance, who must have sight of each and every application. The central register shall be kept up-to-date all times. The record should be made available to the relevant Inspector from the Investigatory Powers Commissioner's Office, upon request. These records should be retained for a period of at least five years. Section 8 of the Council's Policy on Use of Covert Human Intelligence Sources contains further details.

12.2.

In addition, consideration should be given to maintaining auditable records for individuals providing intelligence who do not meet the definition of a Covert Human Intelligence Source. This will assist the Council to monitor the status of an individual and identify whether that person should be duly authorised as a Covert Human Intelligence Source. This should be updated regularly to explain why authorisation is not considered necessary.

13. Security and Retention of Documents**13.1.**

Documents created under this Procedure are highly confidential and shall be treated as such. Services shall make proper arrangements for their retention, security and destruction, in accordance with the requirements of data protection legislation, Chapter 8 of the Scottish Government's Code of Practice on Covert Human Intelligence Sources and the Council's RIPSAs Data Safeguards Compliance Process.

13.2.

Dissemination or copying of material must be limited to the minimum necessary for authorised purposes. The purposes are authorised if the material:

- Is, or is likely to become, necessary for any of the statutory purposes set out in RIPSAs in relation to covert surveillance or property interference;
- Is necessary for facilitating the carrying out of the functions of public authorities under RIPSAs;
- Is necessary for facilitating the carrying out of any functions of the Investigatory Powers Commission or the Investigatory Powers Tribunal;
- Is necessary for the purposes of legal proceedings; or
- Is necessary for the performance of the functions of any person by or under any enactment.

13.3.

The Head of Corporate Governance will maintain the Central Register of Authorisations. Authorising Officers shall notify the Head of Corporate Governance of the grant, renewal or cancellation of any authorisations and the name of the Applicant Officer within one working day to ensure the accuracy of the Central Register.

13.4.

The Authorising Officer shall retain the original Authorisation and Renewal Forms until cancelled. On cancellation, the original Application, Renewal and Cancellation forms shall be forwarded to the Head of Corporate Governance with the Authorising Officer retaining a copy.

13.5.

The Authorising Officer shall retain the copy forms for a period of three years after cancellation. The Head of Corporate Governance will retain the original forms for at least five years after cancellation. In both cases these will not be destroyed without the authority of the Authorising Officer if practicable.

13.6.

All information recovered through the use of a Source which is relevant to the investigation shall be retained for a period of five years after the cancellation of the authorisation or the completion of any Court proceedings in which said information was used or referred to. All other information shall be destroyed as soon as the operation is cancelled.

14. Particulars to be Contained in Records

The following particulars should be contained in the records:

1. The identity of the Source.
2. The identity, where known, used by the Source.
3. Any relevant investigating authority other than the authority maintaining the records.
4. The means by which the Source is referred to within each relevant investigating authority.
5. Any other significant information connected with the security and welfare of the Source.
6. Any confirmation made by a person granting or renewing an authorisation for the conduct or use of a Source that the information in paragraph 5 has been considered and that any identified risks to the security and welfare of the Source have, where appropriate, been properly explained to and understood by the Source.
7. The date when, and the circumstances in which, the Source was recruited.
8. The identities of the persons who, in relation to the Source, are discharging or have discharged the functions.
9. The periods during which those persons have discharged those responsibilities.
10. The tasks given to the Source and the demands made of them in relation to their activities as a Source.
11. All contacts or communications between the Source and a person acting on behalf of any relevant investigating authority.
12. The information obtained by each relevant investigating authority by the conduct or use of the Source.

13. Any dissemination by that authority of information obtained in that way.

14. In the case of a Source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the Source's activities for the benefit of that or any other relevant investigating authority.

15. Oversight

The Investigatory Powers Act 2016 establishes an Investigatory Powers Commissioner's Office to provide comprehensive oversight of the use of the powers to which this Procedure applies. This oversight includes inspection visits by Inspectors appointed by the Investigatory Powers Commissioner.

16. Complaints

The Investigatory Powers Tribunal has jurisdiction to investigate and determine complaints against public authority use of investigatory powers. Any complaints in respect of the use by the Council of its powers described in this Procedure should be directed to the Investigatory Powers Tribunal. Full details of how to present a complaint are available on the Tribunal's website – <https://investigatorypowerstribunal.org.uk/>.

Document control Sheet

Review / Approval History

Date	Name	Position	Version Approved
1 May 2018	Gavin Mitchell	Head of Legal Services	V1.2– approved at General Meeting of the Council
1 May 2019	Gavin Mitchell	Head of Legal Services	V1.3
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Surveillance through Social Media Policy

Contents

1. Introduction.....	3
2. Statement of Intent	4
3. Objective.....	4
4. Orkney Islands Council's Social Media Presence.....	4
5. Types of Investigators' Accounts	4
6. Types of Surveillance	4
7. Privacy Settings of Account under Investigation	4
8. Utilisation of Social Media.....	5
9. Best practice for the use of social media in investigations.....	6
10. Authorisation for all types of surveillance.....	7
11. Review of Policy	7
Document control Sheet	8

1. Introduction

1.1.

This document sets out Orkney Islands Council's policy regarding internet surveillance using Social Media.

1.2.

Reference is made to Orkney Islands Council's policies and procedures in respect of covert surveillance and use of covert human intelligence sources (hereinafter collectively referred to as 'the Council's RIPSAs policies and procedures'), to which this policy is subsidiary.

1.3.

In some circumstances, it may be necessary for Orkney Islands Council employees, in the course of their duties, to access social media websites either by creating covert identities or through the officer's Service identity.

1.4.

Directed online surveillance using an officer's private social media account should not be undertaken in any circumstances given the personal and operational security risks which such use would be liable to present.

1.5.

Officers are referred to paragraphs 3.11 to 3.16 of the Scottish Government's [Code of Practice on Covert Surveillance and Property Interference](#) (December 2017) and paragraphs 4.7 to 4.14 of the Scottish Government's [Code of Practice on Covert Human Intelligence Sources](#) (December 2017) which provide operational examples that would assist staff in recognising situations where RIPSAs are potentially engaged in their investigations.

1.6.

Whilst much of the work undertaken by social workers is not in pursuance of the prevention or detection of crime, and is not within the purview of RIPSAs, research conducted online in the interests of a child may still engage an individual's rights under Article 8 of the European Convention of Human Rights (right to respect for one's private and family life). This should be considered by staff prior to conducting any research online, being aware of their obligations in ensuring such Article 8 rights are not infringed by any online research conducted in child protection cases. Therefore, a protocol containing an auditable process has been developed for circumstances where online research is considered necessary in the interests of child protection. The process is similar to the procedure for seeking a RIPSAs authorisation as commended by the Investigatory Powers Tribunal. The Orkney Health and Social Care Partnership shall be responsible for ensuring that this process is observed and responsible for adherence to the Safeguards in relation to retention, review and destruction of material obtained in accordance with the Council's RIPSAs Data Safeguards Compliance Process.

2. Statement of Intent

The aim of this policy is to provide the framework outlining the Council's process for authorising and managing internet surveillance operations using social media, and to set the parameters for expected good practice.

3. Objective

The objective of this policy is to ensure that all surveillance through social media conducted by Orkney Islands Council employees is carried out effectively, while remaining in accordance with the law. It should be read in conjunction with the Council's RIPSA policies and procedures, the relevant legislation, the Scottish Government's Codes of Practice on Covert Surveillance and Property Interference and on Covert Human Intelligence Sources ('the Codes of Practice') and any guidance which the Investigatory Powers Commission may issue from time to time.

4. Orkney Islands Council's Social Media Presence

The Council has several social media accounts, covering authority-wide and individual service areas or establishments. There are four authority-wide channels - Facebook, X (formerly Twitter), LinkedIn and Instagram. These channels are managed by the Communications team and provide information about a range of Council activities.

5. Types of Investigators' Accounts

There are two different ways in which social media websites may be accessed by Council officers to carry out investigations:

- Through an identity created specifically as the service's representative.
- Through a covert identity using a false name.

6. Types of Surveillance

Investigators utilise social media in two different ways:

- By simply visiting / viewing third party accounts or groups.
- By entering into a personal relationship with the third party/group member.

7. Privacy Settings of Account under Investigation

7.1.

Most social media websites will have a variety of privacy settings that users can apply to protect their accounts from others accessing the information contained therein. Facebook would be the social media website that would be most commonly used by Council Officers to investigate service users or potential service users and it has several different privacy settings. Therefore, Facebook will be used as an example in this policy. Depending on what privacy setting a user chooses, different people can access the account and see all or some of its contents.

7.1.1. 'Public'

All Facebook users can see the account and all of its content, including the user's "friends", their timeline and photographs. Non-Facebook users can see photographs and posts published on the account, but not who has 'liked' a post or the marital status or geographic location of the user.

7.1.2. 'Friends'

Only those whom the user has accepted as Facebook 'friends' are able to see the entire content of the user's page.

7.1.3. 'Custom'

The user can create lists of specific contacts and Facebook users and designate them as the audience for – or block them from view of – any posts.

Of these three options, the relevant options for investigating officers are 'public' and 'friends', as option 3 is a sub-category of 'friends'.

8. Utilisation of Social Media

8.1. Surveillance using identity as department's representative or departmental account

'Public' privacy setting

8.1.1.

If an investigating officer views a service user's Facebook profile, with whom they are not 'Friends' via a normal route, and where the content is not protected by any privacy settings, then information on this profile can be treated as being in the public domain. Any viewing / visiting of this profile will be overt and no authorisation under RIPSAs will be required.

8.1.2.

If the officer frequently or regularly views/visits the same individual's profile this must be considered as targeted. However if the service user posts publicly, they can have no expectation of privacy and will give everybody the right to view their posts at any time and as many times as that person wishes to. Therefore, strictly speaking, no authorisation under RIPSAs for directed surveillance is required. However, as a matter of best practice, an appropriate RIPSAs authorisation should be sought.

8.1.3.

If an investigating officer enters into a 'conversation' with the service user, and if the officer informs them that they are contacting them in their role as an employee of Orkney Islands Council, then this contact will be overt and no authorisation under RIPSAs will be required.

‘Friends’ privacy setting

8.1.4.

To investigate a service user whose Facebook account is protected by privacy settings, the investigating officer will have to send the service user a ‘friend request’. As it is obvious from the department name that the person behind it is an Orkney Islands Council employee, then the action could not be classified as covert. No RIPSAs authorisation would be needed.

8.1.5.

In either of the above privacy settings, although the officer has been given access to the account with the consent of the owner, the officer will still need to consider whether the account may contain information about others who have not given their consent. If there is a likelihood of obtaining private information about others, the need for a directed surveillance authorisation should be considered, particularly where it is intended to monitor the account going forward.

8.2. Surveillance using covert identity

8.2.1.

If an investigating officer establishes a relationship with a service user under a covert identity in order to obtain, provide access to, or disclose information, then a Covert Human Intelligence Source (CHIS) authorisation will always need to be in place before that is done.

8.2.2.

However if a covert identity is presented but no steps are taken to form a relationship with the subject, a CHIS authorisation may not be required. For example, where a website or social media account requires a minimum level of interaction (such as sending or receiving a friend request before access is permitted) this may not in itself amount to establishing a relationship. Equally, the use of electronic gestures such as “like” or “follow” in order to react to information posted by others online would not in itself constitute forming a relationship. Nonetheless, it should be borne in mind that entering a website or responding to such gestures may lead to further interaction with that user or other users. A CHIS authorisation should be obtained if it is intended to engage in such interaction to obtain, provide access to, or disclose information.

9. Best practice for the use of social media in investigations

As a matter of best practice, whenever a Council officer intends to investigate a particular service user through social media, rather than conducting a general sweep of social media sites, an appropriate RIPSAs authorisation should be completed.

10. Authorisation for all types of surveillance

Please refer to Orkney Islands Council's Policies and Procedures on Covert Surveillance and Use of Covert Human Intelligence Sources.

11. Review of Policy

This policy will be reviewed every year from the date of approval.

Document control Sheet

Review / Approval History

Date	Name	Position	Version Approved
1 May 2018	Gavin Mitchell	Head of Legal Services	V1.2– approved at General Meeting of the Council
11 May 2020	Gavin Mitchell	Head of Legal Services	V1.3
5 May 2021	Gavin Mitchell	Head of Legal Services	V1.3
9 October 2023	Gavin Mitchell	Head of Legal and Governance	V1.4

Change Record Table

Date	Author	Version	Status	Reason
11 May 2020	Gavin Mitchell	V1.3	Final	Reflect observations contained in IPC Inspection Report
9 October 2023	Gavin Mitchell	V1.4	Final	Reflect observations contained in P&R Committee report on 19 September 2023 and subsequently ratified by Full Council on 3 October 2023.



RIPSA Data Safeguards Compliance Process

Contents

RIPSA Data Safeguards Compliance Process	1
1. Introduction	3
2. Objective.....	3
3. Data Safeguards.....	3
4. Records Management.....	4
5. Retention	5
Document Control Sheet.....	6

1. Introduction

1.1.

This document sets out Orkney Islands Council's process to safeguard data security regarding information gathered which falls within the framework of the Regulation of Investigatory Powers (Scotland) Act 2000 [RIPSA] and the Investigatory Powers Act 2016 ('the Acts').

1.2.

Reference is made to Orkney Islands Council's policies and procedures in respect of covert surveillance and use of covert human intelligence sources (hereinafter collectively referred to as 'the Council's RIPSA policies and procedures'), to which this process is subsidiary.

1.3.

This Data Protection Compliance Process is supplemental to the safeguards contained in Chapter 8 of the Covert Surveillance and Property Interference: Code of Practice and in Chapter 8 of the Covert Human Intelligence Sources: Code of Practice issued by the Scottish Government on 20 December 2017 and, in the case of any conflict, these Codes would prevail.

2. Objective

2.1.

The objective of this Process is to ensure that all data obtained through processes subject to the Regulation of Investigatory Powers (Scotland) Act 2000 is maintained in a safe, secure, and effective way.

2.2.

The procedure will set out a retention, review and destruction process to ensure that information obtained is not kept for any longer than is required.

3. Data Safeguards

3.1.

Any information obtained through surveillance should be handled in accordance with the safeguards that the Council has put in place to support data protection, as set out in the Council's [Data Protection Policy](#) and Procedure for Staff.

3.2.

The following should be undertaken to ensure the integrity of data:

- Ensure that the information you hold is relevant and that data is accurate and up to date.

- Any data collected or transported off site should be kept secure, and that authorisation has been obtained to do so.
- Ensure that any paper-based files are stored securely, such as in access controlled areas / locked filing cabinets etc. to minimise risk of theft or loss.
- Ensure that information you are working with cannot be accidentally overseen by anyone else, follow a clean desk policy.
- Ensure any breaches are reported to the Information Governance Officer as soon as you are aware of them.
- If a member of the public makes a request for their data, ensure this is forwarded to foi@orkney.gov.uk.

4. Records Management

4.1.

The Council must keep a detailed record of all authorisations, renewals, cancellations and rejections within Services and a Central Register of all Authorisation Forms will be maintained and monitored by the Head of Corporate Governance.

4.2.

Each authorisation will be allocated a unique reference number which will be linked to information obtained through the use of the regulated powers.

4.3.

Any material obtained using powers under the Regulation of Investigatory Powers (Scotland) Act 2000 should form part of an investigation file and a retention period set (see section 5 below) to record how material will be handled. The Head of Corporate Governance will oversee this process for files and dispose of them appropriately.

4.4.

Information that should be retained within the records should be:

- A copy of the Forms together with any supplementary documentation and notification of the approval given by the Authorising Officer.
- A record of the period over which the surveillance has taken place.
- The frequency of reviews prescribed by the Authorising Officer.
- A record of the result of each review of the authorisation.
- A copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested.
- The date and time when any instruction was given by the Authorising Officer.
- The Unique Reference Number for the authorisation (URN).

4.5.

Information obtained through surveillance should be held separately so that it is easily identifiable and scheduled for deletion or destruction in line with the Council's Retention Policy.

4.6.

This record must be regularly updated whenever an authorisation is granted, renewed or cancelled. This will be achieved by the Authorising Officer forwarding a copy of the approved application, renewal or cancellation to the Head of Corporate Governance for the centrally retrievable record.

4.7.

An access-controlled Microsoft Teams site with a closed group should be set up in order to manage access to an electronic information file relating to a RIPSA application, and limit dissemination, copying and retention of material to the minimum necessary for the authorised purposes.

5. Retention**5.1.**

Orkney Islands Council holds a formal retention schedule. For both covert surveillance and covert human intelligence sources, data should only be retained for a maximum of three years.

5.2.

Once the retention period is reached the file should be scheduled for deletion or secure destruction in line with the Council's Retention Policy.

5.3.

For electronically held records (Microsoft Teams or SharePoint) automated retention labelling and automatic disposal rules can be set to ensure that information is not retained longer than necessary.

5.4.

Periodic reviews should be undertaken to ascertain whether data obtained under previous authorisations is being retained for longer than is necessary and, if appropriate, retained data should be duly disposed of.

Document Control Sheet

Review/Approval History

Date	Name	Position	Version Approved
9 October 2023	Gavin Mitchell	Head of Legal and Governance	V1

Change Record Table

Date	Author	Version	Status	Reason



Working together to make a real difference

Throughcare and Aftercare Financial Policy and Procedure

Orkney Health and Care

This document sets out the framework of financial support that can be provided for young people entitled to throughcare and aftercare support. It details the allowances and grants that can be provided and the expectations about how financial support should be used. It also explains the circumstances in which any additional payments can be made.

The information set out here is the current and primary source of information about finances for young people who are entitled to this provision.

Contents

1. Introduction	2
2. Our Values.....	3
3. Principles for the provision of financial support.....	4
4. Living costs for 16 and 17 year olds	5
5. Leaving Care Grant and Associated Housing Costs.....	6
6. Additional Grants and Allowances	7
7. Payment Procedure	14
8. Right to Make Representations and Complaints.....	15
9. Version History	16
Appendix 1: The Legal Context	17
Appendix 2: The Policy Context.....	19
Appendix 3: Operational Documents	20

1. Introduction

1.1. The purpose of this policy is to set out the framework for the provision of financial support for young people who are moving on from the care of Orkney Islands Council.

1.2. The legal context derives from the Children (Scotland) Act 1995 (with subsequent amendments). Local authorities have a legal duty to:

- Prepare young people for leaving care or ceasing to be looked after; and
- Provide advice and assistance to young people who have ceased to be looked after on or after their 16th birthday. Local authorities are legally required to provide aftercare support until the young person leaving care becomes 19, and to assess any eligible needs for aftercare support until they turn 26 (or beyond in some cases).

A more detailed overview of the legal context is set out in Appendix 1.

1.3. Support for young people who have been Looked After should be holistic and financial provision represents only one aspect of this. The Social Work Service provides dedicated support for care experienced young people to ensure that practical help, advice and guidance, social and emotional support are available when needed.

1.4. Many young people who have been Looked After Away from Home have the right to 'stay put' in their current care setting until they turn 21; there are some exceptions set out in Appendix 1. This is known as 'Continuing Care' and it eases the transition into adult life. Young people are encouraged to take advantage of this right and to 'stay put' for as long as they need. They may apply for the financial support set out below at the point of moving on to independent living.

1.5. This policy applies to young people for whom Orkney is the 'Responsible Local Authority'. The Responsible Local Authority is the authority that is currently looking after, or last looked after, the young person, regardless of where they now live. Orkney is not the Responsible Local Authority for care experienced young people who have moved to the area from the care of other Local Authorities. With that said, in some aftercare situations, whereby, a young adult has relocated to Orkney, when for example due to proximity from Responsible Authority hindering their ability to provide the required support, Orkney would agree to provide intermediary support to care experienced children and young people, adults who reside in Orkney. These decisions would be informed by discussions between both Local Authorities and considering ordinary residence protocols, before any decisions regarding responsibilities agreed. Legal advice may be required in these instances. Any Financial commitments would not transfer to Orkney as a result of these discussions and would be retained by the Responsible Authority.

2. Our Values

2.1. Orkney Islands Council acknowledges 'These are our Bairns', Scottish Government good practice guidance 2008. Legislation in 2014 embedded this good practice in law and gave the Council and Community Planning Partners statutory duties as corporate parents. Whilst this remains the legal terminology it has become clear that young people dislike the expression and there is a shift towards using the language of good parents. One aspect of good parenting is the provision of continuing support for care experienced young people making the transition to adult life. As 'Good Parents' the Council:

- Accepts responsibility for Looked After Children and Young People.
- Will make their needs a priority.
- Seeks for them the same outcomes any good parent would want for their own children.

2.2. Orkney's Good Parenting Plan 2020-2025 reaffirms the commitment 'to ensure that our Care Experienced Children and Young People have the best possible start in life. We will support and care for them as our own, and ensure they have every opportunity to reach their full potential and succeed in life'. The Plan states that 'In Orkney, we will challenge each other to be 'good parents' and continually ask:

- 'What would a good parent do?'.
- 'What would a good parent aspire to for their child?'.
- 'How will we behave as good parents and be responsible to young people?' (see Appendix 2).

2.3. Provision for care experienced young people is based on the understanding of wellbeing needs set out in the national childcare improvement framework Getting It Right for Every Child (GIRFEC). The framework embeds the articles of the United Nations Convention on the Rights of the Child (UNCRC) into practice and promotes a rights-based approach. Scotland is the first country in the UK to directly incorporate the United Nations Convention on the Rights of the Child (UNCRC) into domestic law. The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act was passed by the Scottish Parliament on 16 March 2021, it was later amended and received Royal Assent on the 16 June 2024, with the provisions coming into force on 16 July 2024. GIRFEC identifies that young people in Scotland should be 'safe, healthy, achieving, nurtured, active, responsible, respected and included'.

2.4. The Scottish Care Leavers Covenant also informs the approach set out in Orkney's Good Parenting Plan. One of the guiding principles is 'assumption of entitlement' i.e. that Corporate Parents will assume all young people leaving care are entitled to services, support, and opportunities, up to their 26th birthday. In Orkney there is also the commitment to extend this past their 26th birthday where advice and guidance may be required. Where discretion exists in definitions of vulnerability, or in giving priority access, these will be in favour of young people leaving care (See Appendix 2).

2.5. The Independent Care Review reported in 2020. It provides 'The Promise' and 'The Plan' for young people in Scotland who are care experienced, see Appendix 2. The key ambition is for Scotland 'to be the best place in the world to grow up so that children are 'loved, safe, and respected and realise their full potential' (The Promise 2020, page 4).

2.6. 'The Promise' reminds us that 'Parenting does not stop at 18. Throughout the Plan, Scotland must continue to consider how to create greater equity and opportunity for care experienced young adults. That consideration must include how to increase opportunity for care experienced young people to access employment, training, stable housing and support' (The Promise 2020, page 94).

3. Principles for the provision of financial support

3.1. The welfare of the young person is the paramount consideration in every decision.

3.2. The views of the young person should be ascertained and considered in respect of every significant decision about them.

3.3. It is essential to recognise the diversity of the needs of young people and to respond with sensitivity, care and compassion.

3.4. As good parents the Council should ensure young people have adequate resources to support them as they move towards a life of independence, self-reliance, and stability. The Council does not have unlimited resources but will always give fair and reasonable consideration to any requests for assistance which are made as all good parents do.

3.5. The Council can provide financial support when there are no other benefits, bursaries, grants, sponsorship, or sources of funding available. The Throughcare and Aftercare Social Worker can provide advice and information about these sources of funding and help with any application process required. Other agencies also have corporate parenting responsibilities and can provide additional support and advice for care experienced young people. Section 17 of the 1995 Act (The Children (Scotland) Act) spells out the statutory responsibilities of Local Authorities to looked after children/care experienced children and young people. The Children and Young People Act 2014 Part 9 has defined "corporate parenting" and the responsibilities of different corporate bodies to work together to assess and meet the well-being needs of looked after children. Schedule 4 of the Act lists all the bodies that may play a part. Orkney's Good Parenting Plan will outline the individual and collective responsibilities of Corporate Parents/Good Parents in Orkney, encompassing health, education, police, housing, mental health services, social work and any other professional/ service who work with care experienced children and young people on a statutory basis.

3.6. Young people are strongly discouraged from entering into credit agreements or taking loans which should not be recommended or required.

3.7. To promote independence, dignity and normalisation of experience, payments should be made directly to young people wherever possible to enable them to purchase goods and services directly. This excludes accommodation costs, which may be paid direct to accommodation providers.

3.8. The Council provides adequate funding to ensure that all goods and services required by young people can be obtained from reputable suppliers or service providers and meet relevant safety and hygiene standards. Young people are supported to develop their knowledge and understanding of how to make suitable safe purchasing choices. This support will be developed through close working and effective relationships with the care staff who are best placed to work directly with the young person.

3.9 With the exception of emergencies, any travel provided should be via the most economical route, booked in advance and should utilise any discounts available, for example, a Young Scot card, ADS, or Islander discount.

3.10. Making choices about use of resources requires judgement which develops with experience and guidance. Carers should prepare young people for independence as far as possible and must provide guidance about managing finances. As with all our lives, mistakes will inevitably be made and 'learning through experience' should be reflected upon and viewed as personal development. If young people get into difficulties the response will be constructive and directed towards finding the best way forward, solution focussed.

3.11. In addition to necessities, care experienced young people should have access to opportunities and experiences which promote their wellbeing and personal development. They should not be disadvantaged in situations when good parents would intervene to facilitate such experiences.

4. Living costs for 16 and 17 year olds

4.1. Whilst Continuing Care is encouraged, a small number of 16 and 17 year olds move on to living independently from the outset.

4.2. Some care experienced young people aged 16 and 17 are not able to claim Universal Credit. Young people who meet the following eligibility criteria must be provided with accommodation and financial support by Orkney Islands Council if they live independently and:

- They were looked after by the Council in foster care, kinship care or residential care at their 16th birthday or after that date.
- They were looked after away from home by the local authority for at least thirteen weeks after the age of 14 (the 13 weeks does not have to be a continuous period).
- They are no longer looked after by the Council.

4.2.1. There are some exceptions: young people who have limited capability for work and young people who are responsible for a child are entitled to other benefits and will not usually require financial support. However, they remain eligible to have their accommodation costs provided.

4.3. The amount of financial support for care leavers aged 16 and 17 should be at least the equivalent of the social security benefit from which the young person is excluded. The current rate of Universal Credit for a single person aged under 25 is £79.25 a week.

4.4. The Council will cover the following housing costs for eligible 16 and 17 year olds:

- Rent (paid directly to accommodation provider).
- Contents insurance, internet connection and TV licence (if required).
- Any essential health costs not covered by NHS.

4.5. The sums in 4.3 and 4.4 can be paid weekly, two-weekly or monthly, depending on what is most helpful for the individual. The young person will be encouraged to accept and manage monthly payments from the age of 17 years and six months, to aid the transition to Universal Credit which is paid monthly from the age of 18.

4.6. One extra month of allowances will be paid when the young person reaches the age of 18 to 'buffer' the transition to Universal Credit. This is due to the delay that will be present in the receipt of benefit from the point that they can be claimed and the young person leaving their carer. Carers are not provided with additional funds to support the young people to transition into independence.

4.7. If a young person is in employment and has a permanent or temporary contract which guarantees a minimum number of hours work per week, the allowance paid by the local authority can be reduced by an amount equivalent to 25% of their net salary. Any financial assessment will take into consideration the young person's overall circumstances including financial matters which may need special attention, and which would otherwise place the young person in financial detriment if not considered. For example, debt or outstanding loans.

4.8. Young people in receipt of the Care Experienced Bursary for students will not require an allowance for living costs. They remain eligible for other elements of support appropriate for their circumstances, all of which shall be considered in any financial assessment to ensure they are not in financial detriment.

5. Leaving Care Grant and Associated Housing Costs

5.1. Young people between the age of 16 and 25 who meet the eligibility criteria set out at 4.2 will be provided with a grant to support them in making the transition to living independently.

5.2. The grant can be paid in stages, for example, a young person who moves into furnished accommodation may initially need to purchase limited household goods then set up their own home at a later date.

5.3. Young people should discuss their needs and intentions with their social worker before payment of the grant or part of the grant is finalised. The social worker keeps a record of payments and can confirm how much is available, see Appendix 3.

5.4. For young people who attained the age of 16 the maximum payable is £2,000.

5.5. In addition to this grant some initial housing costs may be paid as follows:

- First deposit or bond (when no other accommodation is available, and the suitability of the property has been checked). The Council may also act as a 'guarantor' in some circumstances.
- Home and Contents insurance, internet connection and TV licence for one year.
- Removal costs, if required, on production of two quotes.
- Suitable luggage and packaging for personal possessions.
- One 'shop' for essential cleaning and domestic items value up to £100, supported by care staff as required.

5.6. Regarding housing, care experienced young people who remain in Orkney will be encouraged to apply for housing by staff within Orkney Islands Council. They will be advised of their priority when applying for a first home. It is an expectation under corporate parent responsibilities that care experienced young people will have the highest priority.

5.7. Care experienced young people are not required to pay Council Tax until they reach the age of 26. They need to make a claim for this exemption and their eligibility confirmed by their social worker.

6. Additional Grants and Allowances

6.1. The following discretionary grants and allowances may be agreed to promote the wellbeing of care experienced young people. Decisions will be made according to the principles set out in Section 3. Any emergency payment over £500 will require the approval of the relevant Head of Service. Where a payment over £500 is planned, this should be considered by the Resource Management Meeting.

6.2. A young person who is being supported to request an additional payment will be encouraged to provide information about their plans, choices and needs to facilitate decision making to complete the application form for this purpose, see Appendix 3.

6.3. The following table sets out the circumstances when payment of discretionary grants and allowances can be made. Social workers and their managers must act in accordance with financial regulations and our "Good Parenting Principles": It is worth noting that the local authority **does not have a duty** to make these payments.

Purpose of Grant or Allowance	Good Parenting Principles
Promoting Independent Living	<p>All required support will be assessed based on need, and assistance will be sensitive, non-discriminatory and "parent child" relationship based, like any good parent supporting their child in all such circumstances.</p> <p>Financial limits, where set below, are for management, budget, and equity purposes. Flexibility applies to meet individual need taking</p>

Purpose of Grant or Allowance	Good Parenting Principles
	<p>account of personal circumstances bearing in mind the higher costs of other action such as alternative accommodation for young people or accommodating children.</p> <p>Good parents should be good at managing their budgets too and good leadership is about doing the right things by all our children and young people and considering if the budget can be fair and equitable.</p> <p>Any discretionary payments/financial commitments within these tables MUST be agreed at service manager level and clearly recorded on PARIS (this may require pathway assessments and plans to be ratified at service manager level where there are any ongoing financial commitment).</p> <p>On a monthly basis the Head of Service will review any one-off payments and will give approval for any recurrent payments. Any one-off payments above £500 will require Head of Service approval.</p>
Educational Provision	Notes
Tuition fees for Higher Education or Further Education	These are usually funded by the Scottish Government. Young people should be supported to apply for this funding within the required timescales. Fees may be paid if the young person is not eligible for other funding or has good reason to study in another part of the United Kingdom.
Fees for short courses to enhance employment opportunities	Young people may be supported to undertake or maintain basic safety qualifications to enhance prospects of finding employment in sectors where this is customary. When young people are in employment employers should cover the cost of training.
Living costs for students studying out of Orkney	<p>These are usually covered by the Care-Experienced Bursary but may be provided as a monthly allowance in circumstances when the young person is not eligible.</p> <p>The cost of accommodation during vacation periods should be covered by the Care</p>

Purpose of Grant or Allowance	Good Parenting Principles
	Experienced Vacation Grant/Summer Accommodation Grant.
Travel to and from Orkney at start and end of term	Three return journeys per year and more as required to meet need as assessed necessary to maintain supportive relationships.
Living costs and rent for students living in Orkney	These may be provided if the young person is not in Continuing Care and has no other means of support.
Travel card for students living in Orkney needing to use public transport	To be provided where there is no other means of travel to access College or University provision. Travel for those under 22 is free via the Young Scot Card
Books and essential course equipment	These can be provided if they are identified as essential course pre-requisites. Books should be obtained from the library wherever possible. Up to date second hand books are acceptable.
Laptop	If required to complete essential coursework or to maintain personal relationships.
Internet access for duration of course	If no other internet access is available. All circumstances of our young people should be considered when supporting their need for a laptop and internet connectivity.
Reasonable costs of travel and accommodation to attend University or College open days or interviews, accompanied by one staff member if appropriate Allowance towards cost of appropriate clothing for interview based on current clothing costs comparisons	A UCAS referee or other education professional may be approached for advice about what visits would be reasonable and realistic.
Suitable luggage for travel to and from University or College	Available if not already provided.
Volunteer and work experience opportunities	
Travel and accommodation to facilitate participation in	Our young people will always be encouraged to volunteer or work with reputable organisations or

Purpose of Grant or Allowance	Good Parenting Principles
volunteering or work experience, where this would enhance education or career opportunities, or promote personal development	employers. Where possible, expenses should be covered by the organisation, employer or by other grants or sponsorship. The young person will be given all necessary support to apply for and access any such provision where available.
Employment Costs	
Allowance towards cost of appropriate clothing for interview based on current clothing costs comparisons	Young people shall be encouraged to identify their needs with a trusted social worker or support worker who will ensure their needs are properly identified and addressed like any good parent would do for their children.
Travel to interview and accommodation as required	Employers should meet these costs where possible, and assistance may be required to make bookings in advance. Like all good parents, we shall support this as required to ensure our young people attend interviews.
Other personal care provision as required	All needs shall be considered and addressed as required to ensure we continue to act as good parents and remove any barriers for our young people to access employment, work experience or volunteering opportunities.
Clothing or equipment specific for employment, for example, safety footwear and clothing	Industries may provide this and where this is not the case, we shall ensure our young people have this provided if the industry standard is for individuals to provide their own.
Enrichment and sporting activities	
Travel and accommodation costs to facilitate participation in national or regional sport or cultural activities	This will be provided when no other funding is available as participation provides opportunity for the young person to be active, achieving, respected, and included (in line with the GIRFEC). All good parents should support this activity and participation of their children.
Specialised sports, musical or art equipment and materials	Financial assistance and assistance in kind, loan of instruments or tuition, will be provided when no other funding is available. Such participation provides opportunity for young people to be active, achieving, respected, and included, and

Purpose of Grant or Allowance	Good Parenting Principles
	should be supported like all good parents would do.
Participation and engagement in national or civic life	
Travel and accommodation costs to facilitate participation in national or civic engagement or consultation events	Expenses should be covered by organisers but can be provided if this is not possible.
Inclusion and Identity	
Assembling key documents and obtaining passport	<p>Assistance will be provided to ensure our young people obtain standard documentation for identity purposes. For example, birth certificate, adoption information, National Insurance number, passport, Young Scot card, and ADS registration.</p> <p>Standard fees and photographs to be provided as required like all good parents.</p>
Name change process	This requires careful support and exploration with our young people to ensure it supports their emotional and identity needs. Financial support might include legal advice and fees as required.
Learning to drive	<p>Our young people can be offered this including costs for:</p> <ul style="list-style-type: none"> • A provisional licence. • Theory tests. • Driving lessons. • Driving test and instructor time. <p>Like any good parent, where there are opportunities of other funding available, these will be fully explored with our young people.</p>
Young Parents	
Supporting young parents	<p>Young parents will be supported to access universal benefits, resources, and maternity services. We shall ensure, like any good parent, we provide required financial assistance including:</p> <ul style="list-style-type: none"> • Maternity clothes.

Purpose of Grant or Allowance	Good Parenting Principles
	<ul style="list-style-type: none"> • Baby equipment and furniture. • Childcare costs or assistance in kind, to enable the young person to complete a course, training, education, or work experience.
Health and Personal Needs	After Exploration with NHS Staff Locally
Health needs not covered by NHS	This could cover costs of Allied Health Services such as physiotherapy, therapeutic or counselling services to meet identified need.
Glasses, contact lenses not covered by NHS	These costs may be covered on the recommendation of an optometrist.
Essential dental treatment not covered by NHS	Restorative treatment to mitigate the impact of trauma and neglect can be provided on the recommendation of a registered dental practitioner.
Travel to visit family members or to maintain meaningful relationships	<p>This will be agreed as part of the 'Pathways Plan' and destination, frequency of visits, suitability of accommodation agreed with the social worker.</p> <p>In emergency situations this shall be provided based on need.</p>
Death of close family member or 'special' people	<p>Practical and emotional support like all good parents in a responsive, sensitive, and timely way. The following costs amongst others can be covered:</p> <ul style="list-style-type: none"> • Travel to funeral and accommodation as required. • Suitable clothing as required. • Flowers for funeral. <p>This situation can be managed as an 'emergency' for payment purposes (see section 7).</p>
Hospitalisation or imprisonment essential care needs	In circumstances when a good parent would intervene and the young person has no other resources, up to £10 per week (more if required on identification of specific need and budget provision) may be allowed for the purchase of personal comfort items.

Purpose of Grant or Allowance	Good Parenting Principles
Fuel	
Winter heating allowance	Up to £30.00 per month from October - March can be provided (subject of arrangements for inflationary uplift) if no other schemes for assistance are available.
Emergency payments for electricity	Assistance can be provided in emergencies (e.g. benefit gap) and in the context of offering budget advice (either directly or via partner agencies) as required. Required support will be assessed based on need, and assistance will be sensitive, non-discriminatory and “parent child” relationship based like any good parent supporting their child in such circumstances.
Winter clothing	A grant of up to £160 (subject of annual uplift arrangements) can be paid for essential winter clothing.
Celebrations	
Birthday gift	This can be arranged to promote emotional wellbeing and support engagement with the service. Value up to £50 (subject of inflationary uplift arrangements and price comparisons).
Celebratory event for 18th and 21st birthday with a member of staff	Discretionary, to promote emotional wellbeing, model social norms or maintain meaningful engagement with the service. Restaurant visit or similar to value of £100 (subject of inflationary uplift arrangements and price comparisons).
Festive celebratory gift	Discretionary, to promote emotional wellbeing and maintain meaningful engagement with the service. Value up to £50 (subject of inflationary uplift arrangements and price comparisons).
Graduation	The following costs may be covered to a value of current cost comparisons: <ul style="list-style-type: none"> • Tickets. • Gown hire. • Official photo. • Course reception.

Purpose of Grant or Allowance	Good Parenting Principles
Emergencies	
Payments for essential items or services can be made in emergency situations to ensure safety and wellbeing.	Discretionary, based on recommendation of social worker and decision of Service Managers. Where appropriate assistance in kind is provided, for example, via residential care staff.

7. Payment Procedure

7.1. All payments are made into a bank account. If necessary young people will be given support to set up a bank account and provide identity documents, as required. The time scales involved in setting up a bank account are recognised which will be part of the throughcare planning.

7.2. For administrative purposes it is preferable that regular payments are made monthly, but payments can be weekly or two weekly to assist a young person with budgeting, especially under the age of 18 (see section 4).

7.3. Council processes for authorising and processing payments must be considered. Young people will be informed about timescales and payment dates, and planning should take cognizance of the fact payments can take up to two weeks. Help with understanding the system, planning, and budgeting will be provided.

7.4. At the point of moving to live independently payment timescales will be considered. No young person will be expected to make the transition to independent living until the resources they need are in place or emergency provisions can be agreed to prevent further delay as assessed in the best interests of the young person.

7.5. Requests for assistance via the Throughcare and Aftercare team should be made at the earliest opportunity.

7.6. In emergencies the process for authorising and processing payments will be expedited. This involves some cost and should only be used in exceptional circumstances. Alternative sources of emergency provision, for example, immediate help from residential services should be accessed where required. The principle that welfare is paramount will always be applied.

7.7. Young people should inform the Throughcare and Aftercare team immediately if it appears that payments are inaccurate or delayed. Young people will be given support to help them maintain an overview of their finances. This will include personal support in developing life skills, managing money, and they can be helped to understand the potential to lose money if they do not take care like any good parent would do with their own children and young people.

7.8. Young people may on occasion have overpayments made in error and we shall help them understand the requirement for overpayments to be returned to the Council. The circumstances of any overpayment will be assessed and based on the overall circumstances and the needs of the young person at the time, any recommendations for full or partial repayment should be discussed with the Team Manager who shall discuss the plan with the Service Manager for approval. In all situations, the starting point will be the expectation that a repayment schedule is agreed but the principle that welfare is paramount will always be applied too.

7.9. Payments log to be reviewed by Service Manager and Head of Service (minimum quarterly) for budget management purposes.

8. Right to Make Representations and Complaints

8.1. If a care experienced young person wishes to appeal against a decision relating to payment of discretionary grants or allowances, they should initially discuss the matter with their social worker. Immediate resolution should be sought.

8.2. If this is not possible, the young person, social worker or support worker should discuss the matter with the Team Manager or Service Manager in their absence. The Team Manager will discuss it with the social worker and or support worker with a view to resolving it as fairly and quickly as possible. In the event this does not satisfy the young person, they can appeal in writing to the Head of Service. The young person will be kept informed at each stage of the process.

8.3. The young person can be supported to compile the appeal letter by their allocated worker or via a referral to advocacy services highlighting the word 'appeal' in the first line. The letter should give an account of how much is requested, the purpose of the payment and any significant timescales which apply. It is advisable to provide a copy of this letter for the social worker for the young person's file.

8.4. The Head of Service will review the decision against the policy and all of the circumstances and advise the young person in writing of the outcome within 28 days of the appeal from the young person. A copy of the decision letter will be placed on the young person's file.

8.5. If a young person wishes to complain about the process of decision making, they should make a representation to the OHAC Complaints Officer. A separate leaflet is available explaining who to contact and what happens next.

8.6. Care experienced young people who wish to appeal or complain can be supported by an independent advocate from commissioned advocacy services in Orkney.

9. Version History

Author	Gemma Williams, Interim Service Manager (Children and Families Authority Wide Services). Darren Morrow, Head of Children, Families and Justice Services and Chief Social Work Officer.
Document Owner	Darren Morrow, Head of Children, Families and Justice Services and Chief Social Work Officer.

Version	Status	Date	Amended By	Overview Reason
1	Draft	22/08/2025	GW/DM	Ratified Policy and Procedure required

Appendix 1: The Legal Context

The definition of a “looked after” child is in section 17(6) of the Children (Scotland) Act 1995, as amended by Schedule 2, para 9(4) of Adoption and Children (Scotland) Act 2007 and Children’s Hearings (Scotland) Act 2011.

A child is looked after when he or she is one of the below:

- a) Provided with accommodation by a Local Authority under section 25 of the 1995 Act.
- b) Subject to a Compulsory Supervision Order made by a children's hearing, in terms of section 91 or section 119 of the Children’s Hearings (Scotland) Act 2011.
- c) Subject to an order, authorisation or Interim Compulsory Supervision Order made under the 1995 or 2011 Act, and according to which the Local Authority has responsibilities in respect of the child. These include a Child Protection Order, a Child Assessment Order, an authorisation from a Justice of the Peace to remove a child to a place of safety or maintain a child in a place of safety, removal to a place of safety by a police constable.
- d) Living in Scotland and subject to an order in respect of whom a Scottish Local Authority has responsibilities, as a result of a transfer of an order to it under the Children (Reciprocal Enforcement of Prescribed Orders etc. (England and Wales and Northern Ireland) (Scotland) Regulations 1996. These 1996 Regulations were made under section 33 of the 1995 Act.
- e) Subject to a Permanence Order (with or without authority to adopt) under section 80 of the 2007 Act.

Children Leaving Care

The Children (Scotland) Act 1995 (as amended) set out that Local Authorities have a legal duty to:

- Prepare young people for leaving care or ceasing to be looked after.
- Provide advice and assistance to young people who have ceased to be looked after on or after their 16th birthday.
- Local Authorities are legally required to provide aftercare support until the care leaver turns 19, and to assess any eligible needs for aftercare support until they turn 26 (or beyond in some cases).

These duties are set out in the Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003. [Guidance on services for young people leaving care](#) was published in March 2004. This was adjusted by the [Support and Assistance of Young People Leaving Care \(Scotland\) Amendment Regulations 2015](#) and also the [Aftercare \(Eligible Needs\) \(Scotland\) Order 2015](#).

[Guidance for corporate parents on improving housing and accommodation for care leavers](#) is also available.

Throughcare and aftercare legislation

[The Children and Young People \(Scotland\) Act 2014](#) put into law the policy aspirations of:

- [These are our Bairns](#) - guidance for community planning partnerships (CPPs) on how to be a good corporate parent.
- [Staying Put Scotland](#) - guidance for all corporate parents on ensuring the wellbeing of care leavers, including coverage of Continuing Care.

The 2003 Regulations were amended as of 1 April 2015 by the [Support and Assistance of Young People Leaving Care \(Scotland\) Amendment Regulations 2015 \(SSI 2015/62\)](#) to extend the categories of aftercare support provided for by the 2014 Act.

Continuing care after the age of 16

Section 67 of The Children and Young People (Scotland) Act 2014 inserted a new section 26A into the Children (Scotland) Act. A young person born after 1 April 1999 who is looked after in foster, kinship or residential care is eligible to remain in their current care placement until they turn 21. This is called Continuing Care.

If the placement cannot be maintained, or if it is in the young person's best interests to start an alternative placement, a welfare assessment must be provided showing why staying in their current placement would significantly adversely affect their wellbeing.

Any eligible young person ceasing to be looked after on or after they turn 16 can request Continuing Care. A young person receiving Continuing Care will no longer be defined as 'looked after' but will continue to receive the same support. When Continuing Care ends the young person is then eligible for Aftercare support until they turn 26.

[Guidance on Continuing Care](#) was published in November 2016.

Extension of aftercare

Section 66 of The Children and Young People (Scotland) Act 2014 amended sections 29 and 30 of the Children (Scotland) Act 1995. Any young person who ceases to be looked after on or after their 16th birthday, and is less than 26 years of age, is eligible (between the ages of 16 and 19) or potentially eligible (from the age of 19 up to 26) for aftercare. This applies to all care leavers regardless of the placement type while looked after.

[Guidance on the extension of aftercare](#) was published in November 2016.

Appendix 2: The Policy Context

The values which underpin this guidance derive from the following policies:

Orkney's Good Parenting Plan 2020-2025: Making the Promise real for Orkney's Care Experienced children and young people.

These are our bairns: a guide for community planning partnerships on being a good corporate parent Scottish Government (2008):

<https://www2.gov.scot/Resource/Doc/236882/0064989.pdf>

Getting it Right for Every Child Scottish Government (2008):

<https://www2.gov.scot/resource/doc/238985/0065813.pdf>

Getting it Right for Children and Families – A guide to getting it Right for Every Child (Scottish Government 2012): <https://ihub.scot/media/1512/a-guide-to-getting-it-right-for-every-child.pdf>

Scottish Care Leavers Covenant: <https://www.scottishcareleaverscovenant.org/>

Independent Care Review:

On 5 February 2020, the Care Review published the following reports:

- The Promise and a 'Pinky Promise' for younger readers.
- The Plan.
- The Money and Follow the Money.
- The Rules.
- Thank you.

The Promise tells Scotland what it must do to make sure its most vulnerable children feel loved and have the childhood they deserve.

The Plan identifies how this change must happen.

The Money and Follow the Money explain how Scotland can invest better in its children and families.

The Rules set out the current legislative framework and how it must change to achieve **The Promise**.

The Independent Care Review directs that provision for care experienced young people should ensure that they are 'loved, safe and respected and achieve their full potential'. Scotland should be a good parent for those it is responsible for. Emerging policy making between 2020 and 2030 (as set out in 'The Plan') will be directed to this end.

<https://www.carereview.scot/conclusions/independent-care-review-reports/>

<https://thepromise.scot/>

<https://www.legislation.gov.uk/asp/2024/1/contents>

Appendix 3: Operational Documents

Orkney Throughcare and Aftercare Services

Claim for Leaving Care Grant

Name	
Address	
Date of Birth	

Social Worker to confirm details of eligibility (including length of time Looked After, care arrangements, legal status during this period):

--

Record of payments (maximum of £2,000 available; must be claimed prior to 26th birthday)

Date	Amount	Reason for expenditure	Balance	Signed

Orkney Throughcare and Aftercare Services

Request for Additional Payments

Name	
Address	
Date of Birth	
Eligibility Confirmed By	
Amount Requested	
Date of Request	
Grant or Allowance (If an allowance is requested, state duration)	
Reason for Request	
Any Relevant Timescales	
Breakdown of Costs (if required)	
Authorised By	
Date	

Orkney Health and Care

Bank Details for payments

For the purpose of making agreed payments to you, please provide your details as follows.

Your Name	
Address	
Postcode	
Your Telephone Number	
Your Email Address	
Your Bank	
Account Name	
Account Number	
Sort Code	
I can confirm that these details are correct	
Signed	
Date	

Please remember to check your bank records regularly to ensure that any payments due are paid into your account. You must let us know as soon as possible if you do not receive payments due to you so we can rectify this. You must also let us know if we pay you more than you expect. In most cases we will be able to explain the purpose of the payment. However, if there has been an administrative error the Council is entitled to ask you to return the overpayment.

Section 12 Policy and Procedures

Adult and Learning Disability Social Work Team

1. Aims and Objectives

Section 12 payments refer to financial assistance provided under Section 12 of the Social Work (Scotland) Act 1968, which allows local authorities to offer advice, guidance, and assistance to people in need. This assistance can be in the form of cash or goods and is intended to promote social welfare and prevent individuals from requiring more intensive care.

Section 12 empowers local authorities to offer support to individuals and families who need help with basic needs like food, fuel, or housing. The assistance is typically used for emergencies, preventative measures, or to promote social work goals.

Before giving assistance to a person in cash a local authority shall have regard to the individual's eligibility for receiving assistance from any other statutory body and, if they are so eligible, to the availability to them of that assistance in their time of need.

2. Procedure

Persons in need should contact the Orkney Health and Care Helpdesk or telephone the Adult and Learning Disability Social Work Team. The Duty Social Worker will follow the process detailed in section 3.

3. Process

3.1. Assessment

The Duty Social Worker assesses if a Section 12 payment is required.

3.2. Criteria

The following criteria must be met:

- The person in need lives in the community locally. Section 12 should not be used for anyone living in residential care.
- The person in need cannot get money or assistance from family or friends.
- A check has been made with the Revenues and Benefits Team to determine if the adult is eligible for a Crisis Loan or Community Care Grant from the Scottish Welfare Fund.
- There is no alternative solution to the person in need's lack of resources, e.g. Foodbank, Emergency food box or Community Fridge.
- Section 12 must be for essentials such as electricity, travel, sanitary items. Purchase of cigarettes, vapes and alcohol cannot be approved.

3.3. Section 12 Application Form

- The Duty Social Worker asks the service administrator for a Section 12 application form and alerts that a sum of money is required either in cash or by a Purchase Order.
- Duty Social Worker needs Team Manager approval to make a payment.
- A Team Manager can authorise up to £50 in cash or orders, over this sum, a more senior manager within the Adult and Learning Disability Social Work team needs to authorise it and sign the form. Where a payment over £500 is planned, this should be considered by the Resource Management Meeting.
- The Duty Social Worker fills in form with person in need and agrees:
 - Either a grant or a loan. Consideration should be given as to whether it is realistic for the monies to be repaid.
 - Repayment terms for the loan, if agreed, should be fair and realistic.
 - What the money is to be used for.
 - The person in need, social worker and administrative worker should sign the form.
- Wherever possible, the Duty Social Worker should purchase the goods required with the person in need or on their behalf to ensure that the money is used as intended. Receipts must be provided for all purchases and retained for seven years in line with the Council Retention and Disposal Schedule, and any remaining funds must be returned to the service administrator within two working days to allow for replenishment of the Section 12 float. A Purchase Order can be used to purchase goods, but it must state “No alcohol/tobacco/vapes” on it.
- The service administrator will assist where the Section 12 payment relates to travel arrangements or where a Purchase Order is to be used.
- Service administrator will retain a copy of the form.
- Provision for access to Section 12 funds is made for those unable to attend the Council Offices in Kirkwall or Stromness, in person.

4. Loan Repayment Process

- The service administrator will enter details of the Section 12 loan on a spreadsheet.
- Applications will be scanned, attached to PARIS and a case note detailing the request for funds added. If the person in need is not on the system a new file must be created and a day duty referral made. If no other assessment is required the action can be closed off.
- The service administrator will request an invoice to be raised by emailing Orkney Health and Care Finance Section with details.

4.1. Cash Payments

- If the Section 12 payment is agreed as a loan the service administrator will raise an invoice with the Orkney Health and Care Finance administrator who will send the invoice directly to the person in need. The person in need then has a period of 30 days to repay, failure to do so will result in the Council's Finance Service taking possible legal action.
- Repayment is made by the person in need to the Cash Desk at Customer Services either at the Council Offices in Kirkwall or the Cash Desk in Stromness – not back to the Duty Social Worker or administration staff. A receipt will be issued by the Cash Desk for the repayment.
- Provision for repayment of Section 12 funds is made for those unable to attend the Council offices in Kirkwall or Stromness, in person.
- Cash is only provided in exceptional circumstances as assessed by the Social Worker and agreed by the Team Manager (Adult and Learning Disability Social Work).

4.2. Purchase Order Used

If a Purchase Order has been used – the service administrator will be directly invoiced by the retailer for the goods. Once the invoice is received by service administrator, they will then follow the above procedure for the exact amount spent and request an invoice to the service user.

Please note: if the person in need goes over the agreed amount of the Purchase Order, they are responsible for paying the extra money spent as the order cannot be amended.

5. Review

This document will be reviewed on a three yearly basis.

Appendix 1: Section 12 Application Form

Orkney Health and Care Special Payments Form - Section 12



Social Worker: _____

Applicant Name: _____

Address: _____

Date: _____

(Please tick appropriate box)

From Which Cost Centre? CC

Reason:

A Furnishings	<input type="text"/>
B Electricity	<input type="text"/>
C Rent	<input type="text"/>
D Travel	<input type="text"/>

E Gas	<input type="text"/>
F Clothing & Footwear	<input type="text"/>
G Food	<input type="text"/>
H Other:	<input type="text"/>

If other please explain:

Total Amount Requested: _____ GRANT LOAN

Please note that an invoice for the full amount will be sent out. Payment is due within 30 day of the date on the invoice .



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Section 22 Policy and Procedures

Children and Families Field Work

1. Aims and Objectives

1.1. Local authorities are under a statutory duty to promote social welfare generally for all the people in their area, by giving advice, guidance and assistance. Under these provisions, they may give assistance in kind to children and families, and in cash and kind to those over 18 (parent/caregiver of a child(ren)) to meet the needs of a child(ren).

1.2. The Children (Scotland) 1995 Act introduced a wide definition of children in need, which is reproduced in section 1.6 below. The main duty on local authorities to provide support is set out in Section 22 of the Act and is to safeguard and promote the welfare of children in their area who are in need, and so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to the children's needs.

1.3. Local authorities have wide discretion in the type of support that can be provided to families under Section 22(3) of the Children (Scotland) Act 1995.

1.4. Section 22 financial assistance is intended to support the welfare of children and is not subject to repayment or conditions.

1.5. The Act specifies that local authorities must safeguard and promote the welfare of children in their area who are in need. The services provided, which may be in cash or in kind, under this duty may be for:

- A particular child.
- His or her family, if the services help the child.
- Any other member of the family or extended network, if the services help the child.

1.6. The definition of need is very wide; however, a child can be considered in need if he or she is:

- Unlikely to achieve or maintain or have the opportunity of achieving or maintaining a reasonable standard of health or development unless he or she receives services.
- His or her health or development is likely to be significantly impaired or further impaired unless services are provided.
- He or she is disabled.
- He or she is adversely affected by the disability of any other person in the family.



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1.7. Section 22 is normally used to make a one off payment but can also be used to make regular payments.

1.8. To adequately safeguard the child's welfare, the local authority would need to provide assistance that is sufficient to reduce any risks to the child that may otherwise arise.

1.9. Cash support may be a more appropriate option to consider with No Recourse to Public Funds (NRPF) families, as compared to other families who require Section 22 support, specifically because of the challenges they face in accessing other forms of cashless support and social security benefits, as well as the prohibition on many such families from access to current account banking facilities. The local authority may choose to use pre-payment cards as an efficient way to administer regular subsistence payments and to empower the individual to access their money as they need it.

1.10. As the Children (Scotland) Act 1995 does not prescribe the amount of financial support, or subsistence, that should be provided to meet the needs of a child in an NRPF household, the local authority must determine this.

2. Procedure

2.1. Persons in need will present themselves via the children's allocated social worker or Children's Services Duty, if not an open case, and make a request for financial support. The allocated or Duty Social Worker will follow the process detailed in section 3.

3. Process

3.1. Assessment

The allocated or Duty Social Worker assesses if a Section 22 payment is required.

3.2. Criteria

The following criteria must be met:

- The child/young person is assessed as in need and is ordinarily a resident in Orkney. Section 22 should not be used for service users in residential care.
- Money or assistance from family or friends has been exhausted and not available.
- A check has been made with the Revenue and Benefits Team to ensure that the person requesting financial support:
 - Cannot be expected to have benefits cash in hand.
 - Cannot access a crisis loan from Orkney Islands Council.



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- There is no alternative solution to the person in need's lack of resources i.e. can Foodbank, an emergency food box be used or a grant be applied for. The attempts made to secure funding elsewhere must be documented clearly to the relevant Service Manager and clearly documented on the PARIS file.
- Section 22 can be used for essentials such as:
 - Food.
 - Mobile phones and credit.
 - Electricity
 - Heating.
 - Travel.
 - Toiletries and Sanitary items.
 - Clothing.
 - School uniforms/school supplies.
 - Cleaning items.
 - Learning and development resources for children and parents.
 - Essential household items.
 - School trips.
 - Holiday clubs.
 - Extracurricular activities.
 - Safety equipment and resources for children with specific needs i.e. sensory equipment.

The list above is not exhaustive, though provides examples of potential Section 22 funding which might be required if all other funding options have been exhausted. On an emergency basis it may be deemed in a child's best interest to ensure their safety and welfare, that other sources of potential funding are not explored as to do so would place the child at risk or not promote their welfare. Where possible other sources of funding should be explored and secured. The provision of Section 22 financial assistance should ensure that the basic care and welfare needs of children and young people are paramount, without hindering the safety or welfare of the child(ren).

3.3. Section 22 Application Form

- The allocated or Duty Social Worker asks the service administrator for a form and alerts that a sum of money is required either in cash or by Council purchase order. The allocated or Duty Social Worker fills in the form with the client and agrees what the money is to be used for. The person in need, allocated or Duty Social Worker, the relevant Team Manager and service administrator should sign the form.



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- The relevant Team Managers can authorise up to £50 in cash or orders, over this sum, the relevant Service Manager needs to authorise it and sign the form. Any emergency payment over £500 will require the approval of the relevant Head of Service. Where a payment over £500 is planned, this should be considered by the Resource Management Meeting.
- Wherever possible, the allocated or Duty Social Worker should purchase the goods required with the person in need or on their behalf to ensure that the money is used as intended. Receipts must be provided for all purchases and retained for seven years in line with the Council Retention and Disposal Schedule, and any remaining funds must be returned to the service administrator within two working days to allow for replenishment of the Section 22 float. A Purchase Order can be used to purchase goods, but it must state “No alcohol/tobacco/vapes on it”.
- Provision for access to Section 22 funds is made for those unable to attend the Council Offices in Kirkwall or Stromness, in person.
- The service administrator will assist where the Section 22 payment relates to travel arrangements or where a Purchase Order is to be used. This will then be copied for their files and the person in need should be given a copy for their information.
- The main budget holder is the Service Manager (Children and Families Field Work) and the Head of Service is the Head of Children, Families and Justice Services.
- Any approved payments, rationale for payment approval and exploration of other funding sources, need to be recorded on the child's PARIS file, under case notes, financial management decision.

4. Purchase Order Used

If a Purchase Order has been used – the service administrator will be directly invoiced by the retailer for the goods.

Please note: if the person in need goes over the agreed amount of the Purchase Order, they are responsible for paying the extra money spent as the order cannot be amended.

5. Review

The Service Manager, who is the budget holder, and the relevant Head of Service will meet on a quarterly basis to review payments processed and review the overall budget management and performance.

This document will be reviewed on a three yearly basis.

OIC Response - Views on the SG's draft Climate Change Plan (CCP)

1. How should the changes required to meet emission reduction targets be funded?

Multiple sources (across UK and Scotland) have identified Local Government as essential to securing emission reductions. The (UK) Local Government Association has stated - "Local governments are not just a piece of the puzzle in addressing climate change; they are a vital piece, often holding the key to unlocking significant emissions reductions and fostering a more sustainable future".

An earlier enquiry by this Committee (2023 report¹) recognised that Local Councils will need additional resource and called for the Scottish Government to provide additional financial support to Councils in future budget cycles, to help them contribute to national net zero targets (progress here is keenly awaited and to get anywhere near full transition, must be year on year commitments). Without such revenue and capital funding, for example to at least make net-zero solutions comparable in their cost, transition investments by Local Councils will continue to be below the rates required by Scotland's net zero targets (both for 2045 and also for forthcoming carbon budget interim milestones).

A related consideration on transition funding, is the case for any selective ring fencing of targeted climate related funding within Local Government finance settlements, or for deficit cost reimbursement.

Local Government requires confidence in medium-term funding arrangements, both for capital funding for essential (low carbon) infrastructure, buildings and services and revenue funding to address transition costs, supporting skills / capacity development and for project implementation essential for just transitions. OIC has established a specific Climate Change post, working alongside services, but it is important to recognise there will progressively be a range of skills, training and capacity requirements associated with the full roll out of a just transition to net zero operations and services. This includes a funding need to increase Local Authority officer time (capacity) for important community engagement and support (see point 4 below).

Private finance will of course have a significant role also, and again Local Government has an important role to play. This Committee's (2023) enquiry report acknowledged that private investment at scale will be needed in many sectors, in particular for the decarbonisation of transport and of heat in buildings. The report called for the Scottish Government and its agencies to work with local government on an investment strategy that will increase investor appetite and lead to deals being agreed. We note that this opportunity is not in itself 'new thinking' and also that progress has been slow. This reflects the reality where investor confidence can only arise if Government commitments are sufficiently strong and if there is clarity and transparency around respective private sector and public sector funding.

¹ *The role of local government and its cross-sectoral partners in financing and delivering a net-zero Scotland (Scottish Parliament Net Zero Energy and Transport Committee – [2023 report](#))*

2. What governance arrangements are needed in the Scottish Government to ensure effective delivery of the CCP?

As indicated already, governance arrangements that will stabilise and support Local Government financing, are central to achieving emission reductions. However, appropriate longer-term financing, is recognised in a 2020 UK Climate Change Committee report² as just one of 4 essential requirements for securing collaborative delivery of the net zero transition:

- An agreed framework for delivery for Net Zero incorporating local and national action
- Appropriate long-term financing to support local authorities in delivering Net Zero
- Local operational flexibility around how local areas address climate change
- Coherent policy and powers for the facilitation of delivery.

Governance arrangements that recognise and address these requirements, will support Local Government in its key role towards transitions.

Area based Climate Action programmes (such as forthcoming regional Adaptation Partnerships) should be formulated with close Local Government engagement. Top-down policies go some way to delivering change but will achieve far greater impact if they are focused through local knowledge and networks and working collaboratively with Local Government as a key partner.

3. How can the Scottish Government ensure transparent monitoring and reporting on progress?

The Scottish Government should be proactive and transparent in monitoring and evaluating progress. It should continue to ask the UK Climate Change Committee (CCC) to assess its progress in reducing emissions regularly. As an independent, statutory body, its purpose is to advise the UK and devolved governments on emissions targets and to report on progress made in reducing greenhouse gas emissions and preparing for and adapting to the impacts of climate change.³

In relation to Local Government reporting, in Scotland this is required annually and provides for transparency and scrutiny by stakeholders. Orkney Islands Council's Net Zero vision⁴ includes transparency as one of four key components:

- Action and Ownership – to understand and reduce our emissions at the earliest opportunities
- Collaboration and Co-ordination – across Council services and with partners and the community;
- Transparency – in the setting and addressing of our carbon targets; and
- Sustainability – building our resilience and adapting to the changing climate.

² *Local Authorities and the Sixth Carbon Budget (2020)* - <https://www.theccc.org.uk/publication/local-authorities-and-the-sixth-carbon-budget/>

³ <https://www.theccc.org.uk/publication/letter-design-and-implement-carbon-budgets-in-scotland/>

⁴ *Climate Change – Our Approach - Orkney.gov.uk*

To ease reporting burdens on Local Government, consideration should be given to whether climate change adaptation progress is better reported over a longer time interval (e.g. every 2 or 3 years). Given the formative nature of the Adaptation agenda, this may be appropriate and for example would align with the timescale for public bodies biodiversity reporting. Emissions and Climate Change mitigation reporting for Local Authorities should continue annually.⁵

4. What should the Scottish Government do to help the public contribute to climate action?

A range of initiatives have been developed and are being piloted to support public and community level action on climate change. These projects will need to be evaluated and learning points actioned. Programmes such as Carbon Neutral Islands, offer an opportunity for securing emissions reduction in a specific islands context (Orkney Islands Council is supporting these developments as outlined in our Council Delivery Plan⁶). Islands with small populations require support and resourcing, to effectively engage with these opportunities. With targeted national funding, Local Councils can help support these capacity issues and along with other initiatives (e.g. Islands Centre for Net Zero) these collaborations have potential to develop focussed engagement for island households and communities.

5. What other factors could affect whether Scotland meets its climate change targets?

The CCP should carefully consider how policy levers operate in the real economy and (for example) whether adherence to certain standards might disincentivise some climate action. One example is in the situation with land-based projects and carbon offsetting. In this situation, local public bodies and actors should not necessarily be required to adhere to standards that are intended for the private sector. Such standards may be suitable as a working basis (e.g. to follow principles). However, in some very formative areas of climate action like the blue economy, there are emergent habitat restoration practices that could contribute to carbon sequestration and climate change mitigation. Strict adherence to some carbon standards, could act to stifle some innovations at their formative stages. These and other innovations should be encouraged in their early years (see also [OIC response to SG guidance consultation](#) – 2025).

Alongside emissions reduction, adapting to the impacts of the changing climate is a key agenda nationally and locally. Adaptation targets should therefore be integrated closely into the national CCP. Orkney Islands Council responded to the Scottish National Adaptation Programme consultation in 2024 and our response outlined a number of additional factors, important to achieving targets and objectives⁷.

A further factor in helping the CCP achieve its targets, is the potential to engage with and to help mobilise local skills and leading actors. In Orkney, our Community Planning process is developing structures to advance net zero, including a new Energy and

⁵ <https://www.orkney.gov.uk/media/5w0dlban/item-05-climate-change-duties-draft-statutory-guidance-consultation.pdf>

⁶ https://www.orkney.gov.uk/media/4ibjqstr/council_plan_delivery_plan.pdf

⁷ <https://www.orkney.gov.uk/media/os0om3tq/oic-response-to-snap3-consultation.pdf>

Enterprise task group and setting a (highly) ambitious net zero vision⁸. These collaborations offer a pathway for gathering unique local knowledge and experience, to acknowledge and support leading climate actors and to inform strategies and innovation opportunities (specific to local context). Resourcing such collaboration opportunities is not straightforward and requires investment and innovation. These do however offer potential as an important local contributor towards Scotland's CCP targets.

⁸ <https://www.orkneycommunities.co.uk/communityplanning/documents/orkney-climate-resilient-net-zero-vision-september-2024.pdf>

Equality, Diversity and Inclusion Priorities Progress Report 2024/2025

Table of Contents

Orkney Islands Council Equality Statement.....	3
Mainstreaming Equality	4
Leadership	4
Policies and practices	5
Assessing impact	6
Raising and maintaining awareness.....	6
Education	7
Inclusive Communication	8
Transport.....	8
Sport and Leisure.....	9
Licensing.....	9
British Sign Language Local Plan 2024 – 2030	10
Equality Outcomes 2023 – 2027 progress update.....	11
Equal Pay	20
Gender Pay Gap.....	20
Ethnicity Pay Gap	21
Disability Pay Gap	21
Occupational Segregation	23
Annex 1 - Equalities monitoring data	27
Employee diversity and monitoring	27
About our workforce	28

Orkney Islands Council Equality Statement

We are committed to fulfilling the three key elements of the general equality duty as outlined in the Equality Act 2010:

- Eliminating discrimination, harassment and victimisation.
- Advancing equality of opportunity between people who share a protected characteristic and those who do not. This means removing barriers, meeting different needs and encouraging participation.
- Fostering good relations between people who share a protected characteristic and those who do not, improving integration, building understanding, and reducing bullying and harassment.

The protected characteristics as defined by the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race, this includes ethnicity, colour, and national origin
- Religion or belief
- Sex
- Sexual orientation
- Marriage or civil partnership

Everyone has protected characteristics, but it is the treatment individuals and groups experience, the level of autonomy they have, and the positive or negative outcome for them, that are its focus. As a Council we will seek to:

- Remove or minimise disadvantages experienced by people due to their protected characteristics.
- Meet the needs of people from protected groups where these are different from the needs of other people.
- Encourage people with protected characteristics to participate in public life or other activities where their participation is disproportionately low.
- Be transparent, accessible and accountable.

Mainstreaming Equality

Mainstreaming is an approach to delivering equality within an organisation and it contributes to continuous improvements and performance. It is aimed at ensuring that equality principles and practices are integrated into every aspect of an organisation from the outset. The focus should not only be internal mainstreaming equality principles into procedures and systems, but also external mainstreaming equality principles into policies and customer service delivery. Mainstreaming provides a framework that facilitates and complements equalities legislation and other equality measures.

This simply means integrating equality into our day-to-day work. We take equality and fairness into account in the way we go about our business when acting as an employer, when planning and providing services and when making decisions.

Mainstreaming ensures that equality becomes part of our culture. This benefits both employees and service users who know that they will be treated fairly and contributes to continuous improvement and better performance.

We are committed to promoting equality, which means recognising that everyone has different needs and taking action to ensure that we are all able to participate in society. Our aim is that Orkney is a community where we all have the opportunity to fulfil our potential.

Orkney Islands Council is the public body responsible for all local government services in Orkney. We have an impact on many aspects of everyday life, and our activities touch the lives of everyone living in our island community, from schools to the care of older people. Our councillors meet regularly to make decisions about local services and about various aspects of life. These decisions are then implemented by our workforce. With equality at the heart of everything we do, we never forget that we are here to serve the public and have a big role to play in improving the quality of life enjoyed by people throughout the islands.

Leadership

Our Elected Members have responsibility for promoting equality and diversity within the Council and externally. They engage and listen to the views of our local communities through a range of methods enabling them to take a more collaborative approach to addressing inequalities within Orkney.

Work is ongoing to foster a culture of equity, diversity, and inclusion. This year, the Director of Infrastructure and Organisational Development played a leading role in marking International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT), reinforcing the Council's commitment to creating a safe and respectful environment for all.

In light of the UK Supreme Court's recent clarification on the legal definitions of 'woman' and 'sex' under the Equality Act 2010, a legal briefing on the potential implications was circulated within the organisation. In addition, an organisation-wide message was sent acknowledging the concerns this ruling may raise for LGBTQ+ colleagues and the local LGBTQ+ community. Senior leaders used this opportunity to provide reassurance, affirming that transgender individuals remain protected under the Act and that the Council remains deeply committed to supporting all colleagues and community members.

To ensure meaningful support, the Council signposted a range of resources, including:

- **Employee Assistance Programme** – offering free, confidential 24-hour support.
- **LGBT Health and Wellbeing Helpline** – providing emotional support and guidance.
- **LGBT Youth Scotland Digital Support** – offering live chat services for young people.
- **Mindline Trans+ and LGBT Switchboard** – national helplines for mental health and community support.
- **Third-Party Hate Crime Reporting Centres** – available locally in Kirkwall for confidential reporting.

We acknowledge there are still a number of challenges to fully understand the implications relating to the Supreme Court judgement. We are actively working with Equalities leads from other Local Authorities across Scotland as part of the Scottish Councils Equality Network (SCEN), to establish a shared understanding of potential next steps which will be informed by further clarification and guidance from the Equality and Human Rights Commission. Taking a proactive approach to demonstrate leadership in areas that impact employees and community members reflects the Council's core value of putting people first and its ongoing commitment to protect individuals from discrimination. Through visible leadership, inclusive messaging, and accessible support, Orkney Islands Council continues to build a workplace and community where everyone can thrive.

Policies and practices

Policies and practices internal to our organisation should not be discriminatory. Equality, diversity and inclusion issues are fully considered when developing new policies and processes and when they are reviewed periodically.

Our family-friendly policies have recently been reviewed and now include provisions for neonatal care leave and pay, and parental bereavement leave and there have also been updates to our Adoption and Surrogacy policies offering greater support to employees.

Human Resources and Organisational Development (HR and OD) delivers a programme of workshops and training for colleagues to ensure that our people policies and procedures are understood. This includes training in Recruitment and Selection, Grievance, Managing Sickness Absence, Dignity at Work and Learning and Development policies.

Employee mental health and wellbeing remain priorities with ongoing support and guidance provided through the new Employee Assistance Programme, wellbeing themed webinars and dedicated wellbeing content available through the [Council website](#). A series of regular communications and roadshows have been developed to increase engagement and awareness of the resources available across the organisation, with particular focus on colleagues who don't have regular access to computers as well as isles-based colleagues.

A new Wellbeing Network has been introduced this year designed to promote positive mental health and wellbeing across the organisation. The network introduces two key roles: Wellbeing Champions and Wellbeing Supporters. Champions will serve as primary contacts for colleagues needing wellbeing advice, offering direct support and signposting and promoting wellbeing initiatives, while Supporters will primarily focus on raising awareness and aiding Champions. Both roles will actively promote wellbeing initiatives, activities, and resources and will provide valuable feedback on key themes of concern to the HR and OD, to help shape future mental health and wellbeing initiatives.

This initiative focusses on the importance of wellbeing for productivity and morale and is based around a five-pillar approach to wellbeing encompassing emotional, financial, physical, purpose, and social aspects. This initiative is in the first phase providing resources and training for Champions and Supporters before being launched more widely in September.

Assessing impact

Orkney Islands Council has systematic arrangements in place to ensure that equalities considerations are embedded within decision-making processes. A key mechanism supporting this is the Equality Impact Assessment (EqIA) process, which ensures that the potential positive and negative effects of policies, strategies, and service changes on different groups within the organisation and across the wider community, are carefully considered.

An online EqIA training resource has been developed and launched this year, targeted at our manager population. This training is a mandatory requirement for Service Managers and above and is designed to build skills and knowledge to carry out EqIAs effectively, ensuring that services are inclusive, equitable, and compliant with legal and policy requirements.

An annual quality assurance process has also been launched this year reviewing a sample of EqIAs from across the key committee meetings to ensure consistency, compliance and to identify areas for further development.

Raising and maintaining awareness

It is important in mainstreaming equality that the Council builds and maintains awareness of our duties as an employer and service provider. All employees are required to periodically complete an e-learning course which aims to raise awareness about the importance of equality and diversity. The course covers equality legislation and is designed to encourage

employees to think about and challenge their own perceptions. Equality and diversity awareness forms part of the induction programme for Elected Members, as well as ongoing briefings relating to the general equality duty, updates on changes to equality legislation and other equality-related topics.

Increasing awareness of the value of diversity can help further mainstream equality within the Council. Regular organisation-wide communication is utilised to raise awareness of equality, diversity and inclusion related topics throughout the year including, Pride month, International Women's Day, Menopause Awareness Day, Carers Week and National Inclusion week. The introduction of an upcoming diary of events is planned to further improve proactive engagement and support for awareness raising initiatives across the organisation and community.

This year the Council supported Neurodiversity Celebration Week to help raise awareness and further promote inclusion. The organisation-wide communication campaign focussed on introducing the concept of neurodiversity, explaining the



range of neurological differences it encompasses such as ADHD, autism and dyslexia, and emphasised the importance of understanding these differences to ensure that all colleagues receive the support they need to thrive. The campaign signposted colleagues to educational resources and a schedule of free online events to encourage wider participation and learning.

The campaign was also used to spotlight the Employability work that is delivered by the Council and highlighted the collaboration between the Employability Support Team, People Managers and HR, and OD colleagues, to create inclusive employment opportunities through initiatives such as Job Carving; a method of tailoring job roles to match individual strengths. A success story from our Caretaker Team was also shared, celebrating Jack's journey into employment through the Supported Employment process. This story demonstrates the positive impact of inclusive recruitment practices, and the value neurodivergent individuals bring to the workplace. Jack's story can be found here: [Supported Employment - Jack's Story](#).

Education

Mainstreaming equalities is integral to the delivery of education services and are embedded through supporting strategies, plans and activities including Orkney Children's Services Plan, Good Parenting Plan, Community Learning and Development Partners Plan, Local Employability Plan and within work relating to the Scottish Attainment Challenge.

Orkney Islands Council continued to provide summer holiday free school meal payments to families whose children received support during the 2024/25 school year, with around 240 children from 139 families benefiting from this scheme. Families are regularly encouraged to check eligibility for future holiday payments, free school meals, and the school clothing grant (£150 for secondary pupils, £120 for primary). This support aims to reduce financial

pressure and promote equal access to education, especially for low-income households and those facing disadvantage.

Working in partnership with the Scottish Childminding Association (SCMA), the Council launched a fully funded training and support programme to encourage more people to become professional childminders and help tackle childcare shortages in the Orkney. The Programme for Scotland's Childminding Future supports new childminders in Orkney with participants receiving free training, one-to-one support, and a £750 start-up grant upon registration with the Care Inspectorate. The initiative aligns with local plans to boost employment and business start-ups as well as improve outcomes to reduce inequalities for women. With only 19 registered childminders remaining in Orkney down from 30 in 2016, the need is especially urgent in rural and island communities, and the lack of availability of child-care support can have particular impact on women, further impacting inequalities such as the gender pay gap.

Inclusive Communication

Work to improve the way in which the Council communicates is ongoing, and the Communications Team has run a campaign to support clear and accessible communication. This campaign included a five-step guide to creating accessible information to help ensure content is inclusive for all, drop-in sessions offering a support to colleagues in implementing these guidelines, and updated templates designed to ensure information is accessible and consistent across the organisation.



Transport

The Council is committed to continuing the programme to improve accessibility to all transport services, taking advantage of contract, vehicle, infrastructure and vessel replacement and renewal opportunities where possible.

Orkney Islands Council's Transportation team were named 'Local Authority Team of the Year' at the 2025 Scottish Transport Awards. The team were recognised for its work across buses, ferries, and airfields, and for the strategic planning for future transport needs. The ongoing work that the Transport team delivers includes:



- Improved accessibility: Introduction of low-floor, accessible buses boosting passenger numbers and making travel easier for people with disabilities and older residents.
- Community reinvestment: Fare income being used to expand bus services in remote areas, supporting rural communities and promoting social inclusion.

- Infrastructure upgrades: New airfield terminals being built in Stronsay, Papay, Eday, and Westray, improving travel for island residents and visitors.

The team's success reflects a commitment to inclusive, sustainable transport that benefits people across all protected characteristics, including age, disability, and rural isolation.

Sport and Leisure

Athletes across Orkney continue to benefit from the Athlete Travel Award Scheme. This initiative provides funding of up to £1,500 to help cover travel costs for athletes and is designed to assist athletes in regions where the cost of accessing development opportunities is higher, ensuring they can pursue their sporting goals without needing to relocate from their communities.



Orkney Library and Archive has worked with St Colms Café and Crafts to create an interactive Orcadian trail of native flora in the library forecourt. The project has introduced five raised wheelchair accessible planters, sensory panels, sound chimes and a wooden finger maze. QR codes are mounted on each of the planters for people to scan to hear poems and original works around some of the native plants in the Orcadian dialect, bringing to life the trail. More information on the project can be found on the Orkney Library and Archive website here: <https://orkneylibrary.org.uk/interactive-orkadian-flora-trail/>

Orkney Library and Archive have also hosted the national *Share the Vision* campaign in May 2024, spotlighting resources that support people with vision impairments and promoting accessible library services. The library offers large print books, audiobooks (CD and digital), e-magazines, magnifiers, and large-format games. It also has a Sensory Room with an interactive floor projector, light up bubble tubes and other projecting equipment. The floor projector uses light, sound and colourful visuals and is particularly popular with children and can be useful for users with other sensory conditions. The library supports the local Visually Impaired People's (VIP) group and the Orkney Talking Newspaper, helping ensure inclusive access to news and community life.

These services reflect the Council's commitment to equality, ensuring that people with disabilities can continue enjoying reading and learning throughout their lives. The library's inclusive approach helps reduce barriers and promote participation for all.

Licensing

Although the Licensing Board has a separate legal status from Orkney Islands Council it is resourced entirely by the Council. The close connection between the Board and the Council enables the Board to benefit directly from the Council's awareness building, training and actions relating to equality, diversity and inclusion. This means taking into account the way in which the Board achieve their day-to-day business and integrating equalities into everything they do such as regularly equality impact assessing licensing related policies.

British Sign Language Local Plan 2024 – 2030

As required by the BSL (Scotland) Act 2015, Orkney Islands Council launched our BSL Plan in 2024 and set out actions which will improve the way BSL users find out about our services and have access to them. A BSL version of the plan is available [here](#).

Building on our partnership with NHS Orkney, they have now adopted the OIC British Sign Language Plan and we will now be working towards the same goals and outcomes from the communities in Orkney. The NHS Orkney page detailing this can be found [here](#) and there is a screenshot below:

British Sign Language (BSL) Plan

NHS Orkney works towards the goals in the British Sign Language Plan developed by Orkney Islands Council for the population of Orkney. The plan can be found [here](#).

UHI Orkney has published a separate plan, however, we will continue to take a partnership approach in the delivery of the outcomes of these plans wherever possible.

The BSL Progress Group continues to meet regularly to review actions and feedback. There have been some changes to the key leads in this area of work and so there will be a review of the group attendees to establish gaps and to explore a wider range of representation.

Key actions delivered through the Council's first BSL Local Plan included:

- BSL pen drive training resource provided to all schools.
- BSL and hearing support resources regularly provided to Nurseries.
- Delivery of short online BSL courses at Stromness Academy and Kirkwall Grammar School.
- Let's Sign established as the resource to be used in Orkney Schools and resources regularly updated and shared.
- Class signing projects with signed stories and signed songs.
- S3 Wider Achievement BSL class delivered at Kirkwall Grammar School.
- 6 people including one student at KGS have completed the Level One BSL course.

Equality Outcomes 2023 – 2027 progress update

We are committed to pursuing objectives that make real improvements for people by reducing inequalities and increasing inclusion, whilst fostering good relations and building connections between communities.

These equality outcomes set in 2023 were designed to focus on the areas that we consider most important, and that we have the scope to realistically influence in the four-year period as an employer, service provider, and as a partner with communities and other organisations within Orkney.

Delivery plans were developed for each outcome and progress is reported below on the second year of related actions.

Outcome	Progress
<p>The Council will aim to attract more diverse talent by reviewing policies and practices to ensure that there are no barriers to entering and sustaining employment for under-represented groups.</p>	<p>Reasonable adjustments guide for recruitment</p> <p>A Reasonable Adjustments for Recruitment Guide has been implemented as part of the recruitment and selection policy review. The guide provides recruiting managers with practical advice on how to create an inclusive recruitment process. It outlines the steps to ensure that candidates with disabilities or long-term health conditions are given fair opportunities to demonstrate their full potential. The guide includes information on identifying and discussing disabilities, preparing for and conducting inclusive interviews, and making necessary adjustments throughout the recruitment process. It also highlights the Council's commitment as a Disability Confident Employer and provides resources and legal considerations to support managers in their recruitment efforts.</p>
<p>Aim to Increase the diversity of employees throughout the organisation.</p>	<p>Disability Confident review</p> <p>We continue to deliver work to maintain Disability Confident Employer status as part of our commitment to increase the diversity of our workforce. A specific example of this is highlighted above. We acknowledge that disclosure rates continue to remain relatively low for some protected characteristic employee data and so we actively encourage employees to complete their diversity details, with regular communication campaigns advising colleagues on how to update this information and why it is important.</p>

Outcome	Progress
<p>The Council will aim to reduce the gender pay gap.</p>	<p>Equally Safe at Work action plan for bronze award accreditation.</p> <p>The Council began the bronze award accreditation in 2024 and is now progressing through the related action plan. There has been senior leadership endorsement of the programme with both organisation-wide and community-wide communications.</p> <p>Close the Gap have been on-site carrying out in-person focus groups targeting specific colleague groups and have conducted an organisation-wide survey, seeking views on a range of topics including:</p> <ul style="list-style-type: none"> • Attitudes and awareness of gender inequality • Workplace culture • Violence against women <p>Close the Gap have produced a summary of the focus group and survey results along with recommendations for action aligning to the Equally Safe at Work criteria.</p> <p>An Equally Safe at Work Working Group has been established and is chaired by the Head of HR and Organisational Development. The group meets on a monthly basis to move forward with the actions highlighted from the employee survey run by Close the Gap.</p> <p>More details on the Equally Safe at Work accreditation can be found here.</p>

Outcome	Progress
<p>People have increased confidence and opportunities to express their views and influence decision making and service design.</p>	<p>Communication and Engagement Strategy.</p> <p>At the end of 2024 the new Communication and Engagement strategy was approved. The strategy places a strong emphasis on making communication inclusive and accessible for all. It commits to using plain, clear language, ensuring information is easy to find and understand, and tailoring communication methods to meet the diverse needs of Orkney's communities. Recognising that not everyone engages digitally, the Council aims to balance online and in-person communication, particularly for those affected by digital exclusion, disabilities, or living in remote island communities. Publications and digital platforms will be reviewed to meet accessibility standards, and efforts will be made to engage typically lesser-heard voices. This inclusive approach ensures that everyone has the opportunity to participate meaningfully in Council activities and decision-making.</p> <p>Orkney Matters, our community engagement programme, was initially held in 2020-21 and saw partners from across the Orkney Partnership meet with communities across Orkney to identify key issues to these areas. The second round of Orkney Matters was undertaken between May and October 2024, with 243 people participating. 158 took part in the community meetings and 85 participated in the arts based lesser heard voices engagement project. Work is underway to analyse the responses.</p>

People in Orkney have improved accessibility to all transport services.

Extend Under 22 Concessionary Scheme to Inter Island Ferry and Air Service for residents.

Building on the provision of affordable travel to those in the outer isles, the Council has rolled out free inter-island ferry travel for residents under 22 following the new Scottish Government funding. The scheme enables young residents to travel for free as foot passengers on inter-island ferry services within Orkney. This initiative is something that young people living on the islands have been campaigning for over the last couple of years and supports efforts to help eradicate child poverty and grow the economy by providing young people with free access to education, employment and social opportunities.

Implementation of Thistle Assistance card and App.

The Transport team launched the Thistle Assistance Card initiative in November 2024. The card, developed by Transport Scotland, Disability Equality Scotland and The Scottish Government, aims to increase the accessibility of transport systems whilst improving the journey experience for anyone who requires extra assistance while travelling. The team have partnered with local transport providers including Loganair, NorthLink, Stagecoach and Pentland Ferries as well as the team at Orkney Ferries to roll out this initiative.

Introduce Audio-At-Stops

Orkney Islands Council has collaborated with Stagecoach to introduce audio announcements at bus stops throughout mainland Orkney. This initiative assists all passengers and specifically those with sensory impairments. With the audio information providing the current location and

Outcome	Progress
	destination, as well as electronic displays showing current location of the bus along the route, improvements have been made in wayfinding and accessibility for all passengers.

Outcome	Progress
<p>Pupils have a greater sense of belonging and safety in schools.</p>	<p>Increased awareness in schools of gender-based bullying and harassment and LGBTQ+ based bullying.</p> <p>Orkney Rape and Sexual Assault Service (ORSAS) provide sessions to schools including delivery of sexual violence prevention education and support to vulnerable young people.</p> <p>Other identified actions in this area are currently being reviewed and progress will be reported in the next update.</p> <p>Continued implementation of the United Nations Convention on the Rights for the Child (UNCRC).</p> <p>A UNCRC Implementation group was formed in May 2024 and is working to embed children's human rights approaches into various aspects of practice, including decision-making, budget allocation, inclusive communication, awareness raising, participation of children and child friendly complaints and advocacy. The group has representatives from Educational Psychology, Health, Community Learning and Development, Educational Attainment, Policy and Schools.</p> <p>In November 2024, the Improvement Service's UNCRC Implementation Project Manager held workshops in Orkney to improve local knowledge and understanding of the UNCRC. The group is planning an online awareness raising event with a renewed focus on ensuring stakeholder engagement from all partners.</p>

Outcome	Progress
<p>Young people facing barriers are supported and leave school with sustained positive destinations.</p>	<p>The Young Persons Guarantee delivered through the Community Learning, Development and Employability Service (CLDE) supports this outcome by aiming to connect every 16- to 24-year-old to an opportunity including a job, further or higher education, apprenticeship, volunteering or an enterprise opportunity. The 2023-24 figures for participation can be found here.</p> <p>Tracking young people's achievements has been agreed as a priority and an initial meeting has been held between CLDE and Education Scotland's Attainment Advisor for the Local Authority, to identify opportunities for progressing this action. A pilot project is currently being developed, initially between CLDE and Stromness Academy, to improve the tracking of young people's achievements outwith school, to develop a more holistic picture of pupils' interests and achievements. Work on this is due to start in the new academic year.</p> <p>A Review of the Senior Phase Curriculum is in the Education Service Plan for 2024-25. This review is looking at alternative learning pathways which where appropriate, will support young people to gain level 5 qualifications other than the traditional National 5s and alternative routes to attainment for those pupils for whom traditional Highers are not appropriate.</p>

Outcome	Progress
<p>People in Orkney will have improved choice and accessibility to licensing application processes.</p>	<p>Providing increased choice for people accessing licensing applications.</p> <p>The Licensing team have now implemented a range of editable PDF forms for Street Traders Licence and Public Entertainment Licence applications, thereby increasing accessibility of the application process. Feedback is now being monitored following roll-out.</p>

Equal Pay

Orkney Islands Council is required to publish information on the percentage difference among our employees between men's average hourly pay (excluding overtime) and our women's average hourly pay (excluding overtime). This is known as the gender pay gap.

The gender pay gap figures are calculated using the average (mean) as well as the median average which gives a greater indicator of any gender inequalities in pay.

- The **mean**, sometimes referred to as the 'average' is where we add up all the numbers and then divide by the number of numbers.
- The **median** is the 'middle' value in the list of numbers. To find the median, we list our data in numerical order from smallest to largest, so we can identify the middle entry from the list and find the median.

The figures have been calculated based on permanent employees and relief workers have not been included. For the purposes of equal pay calculations, the data relating to sex has been taken from the payroll records of employees. This is a separate record to that of the general diversity data held for each employee which relies on self-declaration.

We are committed to ensuring that the process of determining pay and conditions of employment for all our employees is free from bias and should not discriminate. There are however, some service areas that are traditionally more male-dominated, such as Marine Services and Towage. These services are competing for applicants within private industry such as the oil and renewable energy sectors and therefore the level of pay reflects this.

Although we acknowledge that employing a complex and diverse workforce across a range of services and professional areas further adds to the impact of societal and educational factors on the gender pay gap, reducing pay gaps at the Council remains a long-term goal.

The following data are the most recent snapshot figures **as at 31 March 2025** relating to pay gaps. These figures are used to inform ongoing actions within the plan.

Gender Pay Gap

The Council's gender pay gap reduced to 3.05% during 2024/25, down from the previous year of 4.45%. This decrease is largely due to the adjustments in our pay structure in this reporting period. The minimum hourly rate of pay has increased, and lower graded roles (A and B) received a higher pay award in comparison to grades C to N, contributing to a more equitable pay distribution across the organisation.

Note: because the median looks at the middle value in a list of hourly rates, where there are more women in mid-level roles and more men in higher paid roles, the median hourly rate for women will often be higher than men, as seen below. The median figure can also be impacted by smaller sample sizes and where there are small number of women in higher paid roles.

Sex	Post type	Total %	Average (Mean) Hourly Rate	Median Hourly Rate
Female	All	68.6%	£18.45	£15.18
	Full-time	30.6%	£22.07	£15.18
	Part-time	69.4%	£16.85	£15.18
Male	All	31.4%	£19.03	£14.80
	Full-time	63.1%	£21.25	£14.80
	Part-time	36.6%	£15.24	£14.80
Gender Pay Gap %			3.05%	

During this reporting period, a review has been undertaken of the management structure implemented in 2022 and has included the Council move to a structure made up of four Directors rather than the previous five. This review has had an impact on the top 5% earner figures as illustrated below:

Category	2024/2025	2023/2024	2022/2023	2021/2022
Total number of employees in top 5% of earners	96	96	94	92
Total number of women employees in top 5%	32	33	36	28
Percentage of women employees in top 5%	33.3%	34.4%	38.3%	30.4%

Ethnicity Pay Gap

Pay gap information for black and minority ethnic employee groups is based on a calculation for minority ethnic combined employees in comparison to white combined employees and does not include data for employees not stating their ethnicity.

No pay gap has been identified based on ethnicity however we acknowledge that we report low figures for ethnic diversity within our workforce. Work continues to address the gaps in employee diversity data.

Disability Pay Gap

Disability pay gap information is based on a calculation for disabled employee groups in comparison against employees with no disability. These calculations do not include the data for employees not providing information relating to this protected characteristic, however this information is included in the table below for transparency in terms of declaration rates.

Among employees who disclosed a disability, 64.9% are in part time roles, compared to 59.3% of non-disabled employees. Whilst declaration rates remain low, this may indicate that disabled employees are more likely to be employed in part-time positions, which typically offer lower pay. The average hourly rate for disabled employees in part-time roles is £16.38, significantly lower than the £24.00 average for their full-time counterparts.

Despite this, the overall disability pay gap is relatively small at -1.79%, indicating that, on average, disabled employees earn slightly more than non-disabled employees. However, this is only an indicator due to the low declaration rates and may also be influenced by a smaller number of disabled employees in higher paid full-time roles. Work continues to explore potential barriers to full-time employment for particular groups of colleagues to ensure equitable access to career progression opportunities.

Disability	Post Type	Total %	Average (Mean) Hourly Rate	Median Hourly Rate
Yes Disability	All	4.6%	£19.06	£15.76
	Full-time	35.1%	£24.00	£24.31
	Part-time	64.9%	£16.38	£14.53
No Disability	All	61.8%	£18.72	£15.18
	Full-time	40.6%	£21.67	£18.76
	Part-time	59.3%	£16.70	£14.47
Prefer not to say	All	2.3%	£17.90	£15.08
	Full-time	42.9%	£18.92	£18.26
	Part-time	57.1%	£17.13	£14.13
No data	All	31.3%	£18.42	£14.80
	Full-time	41.4%	£21.57	£18.25
	Part-time	58.5%	£16.19	£14.13
Disability Pay Gap (%)			-1.79	

Occupational Segregation

Occupational segregation is the concentration of certain groups of employees in particular grades and occupations.

- **Horizontal segregation** is when women and men are concentrated into different types of work.
- **Vertical segregation** is when women and men are concentrated into different levels of work

For example, women tend to be found in lower paid jobs such as in care, cleaning or admin roles and these jobs are also lower paid. It is one of the major causes of the gender pay gap.

From the figures below there is evidence of vertical segregation based on gender. There are high concentrations of women within the lower grade posts. These grades contain the traditionally female dominated roles such as Social Care Assistants, Care at Home, Cleaning and Administrative colleagues. Unlike some councils, Orkney Islands Council continues to directly employ people in lower-paid roles such as cleaning, which has an impact on gender pay gap figures particularly when making comparisons with benchmark data.

Figures show that more women are in lower graded posts across the Council and more men are holding higher grade posts. This changing point is around grade K and is influenced by the significant horizontal and vertical segregation within the Neighbourhood Services and Infrastructure directorate (as per the organisational structure for this reporting period). The figures also show there are more women than men in part-time roles, and it is noted that part-time work is often lower paid with fewer opportunities for progression. This means the gender pay gap is more apparent when comparing women's average hourly part-time wage versus men's average hourly full-time wage.

Work is being undertaken to analyse this further as part of our Equally Safe at Work accreditation action plan. This includes assessing the data by grade to identify where part-time posts are concentrated and opportunities for part-time staff to progress into other roles, for example through flexible working and better training opportunities.

The following Occupational Segregation report is reported by directorate based on the structure prior to the management structure review:

- ELH – Education, Leisure and Housing.
- ESR – Enterprise and Sustainable Regeneration.
- NSI – Neighbourhood Services and Infrastructure.
- OHAC – Orkney Health and Care.
- SPBS – Strategy, Performance and Business Solutions.

Figures in the table on the following page give a snapshot as at 31 March 2025 and are rounded to closest whole number.

Occupational Segregation by Service and Sex												
Grade	ELH		ESR		NSI		OHAC		SPBS		All Services	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
A	44%	56%	33%	67%	68%	32%			38%	62%	61%	39%
B	74%	26%		100%	27%	73%	77%	23%		100%	71%	29%
C	81%	19%	23%	77%	29%	71%	58%	42%	67%	33%	65%	35%
D	90%	10%	50%	50%	3%	97%	87%	13%	71%	29%	73%	27%
E	90%	10%	21%	79%	33%	67%	84%	16%	87%	13%	76%	24%
F	82%	18%	65%	35%	17%	83%	93%	7%	92%	8%	80%	20%
G	82%	18%	44%	56%	50%	50%	71%	29%	79%	21%	73%	27%
H	62%	38%	56%	44%	29%	71%	85%	15%	25%	75%	59%	41%
I	69%	31%	57%	43%	32%	68%			55%	45%	51%	49%
J	88%	12%	80%	20%	40%	60%	89%	11%	100%		80%	20%
K	44%	56%	38%	63%		100%	67%	33%	33%	67%	32%	68%
L			33%	67%		100%	0%		0%	0%	20%	80%
M	40%	60%	50%	50%	23%	77%	100%		56%	44%	47%	53%
N				100%		100%						100%
Chief Officials	33%	67%		100%	50%	50%	100%			100%	25%	75%
Lecturers	65%	35%									65%	35%

1073

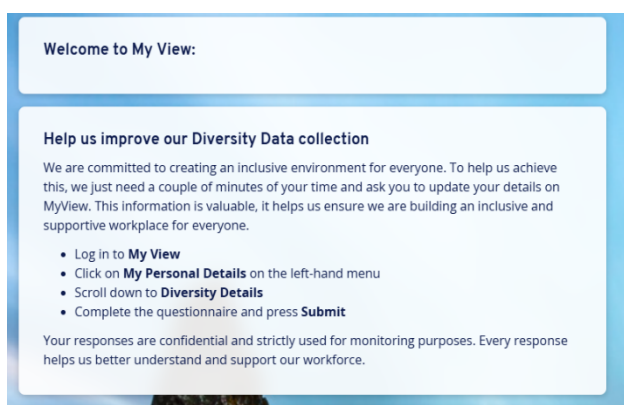
Grade	ELH		ESR		NSI		OHAC		SPBS		All Services	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Teachers	78%	22%									78%	22%
(Depute) Head Teachers	76%	24%									76%	24%
Others	100%		2%	98%							6%	94%

Annex 1 - Equalities monitoring data

Employee diversity and monitoring

The Council undertakes its equality duty to monitor and report on specific information about employees to help identify any trends and to address any identified inequalities. We collect, publish and monitor information about the diversity of our employees to help us check that we are supporting a culture of diversity and inclusion and identify areas for improvement. Whilst employees are asked to keep their diversity information up to date, the Council recognises that this is voluntary and not everyone chooses to disclose all information. Increasing disclosure rates on the diversity of our workforce is ongoing work.

When colleagues across Orkney Islands Council feel safe, supported and confident in being themselves at work, we gain the benefit of diversity across our organisation. Diversity of thought, expression and belief impacts how we deliver our services and increases the resilience of our organisation, increasing our ability to respond to the diverse needs of our community.



Employees are asked to update their personal information held on the electronic HR system MyView. This includes the ability to update details relating to the protected characteristics which can be updated at any time through the self-service system. This process is part of our Corporate Induction and regular organisation-wide communications are issued encouraging employees to update their details on MyView.

Posters

have also been distributed to all work locations across the Council targeting colleagues who are not predominately desk based.

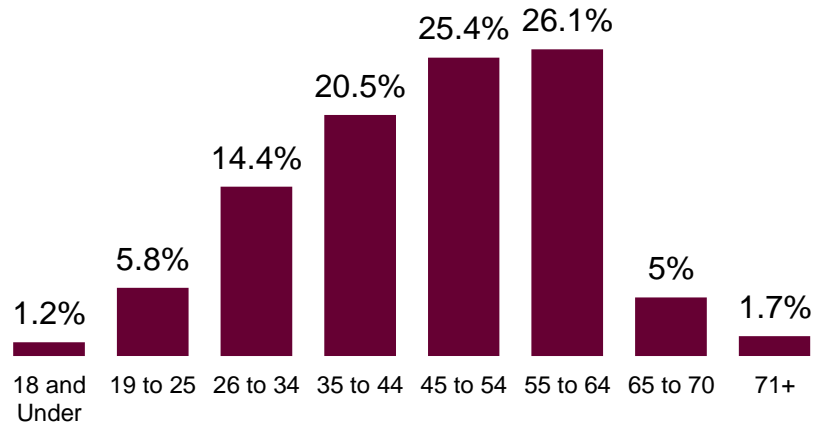
Disclosure rates continue to remain low and there is an ongoing focus to make improvements year on year. This reporting period highlights the significantly low numbers of new starters providing diversity details on MyView. The online Induction programme and Manager toolkit highlight the requirement to complete the diversity data section on MyView for all new employees. A review of this Induction programme is planned to help identify improvements for new starter declaration rates in this area.

Other routes for raising awareness and encouraging increase disclosure on protected characteristics are being explored.

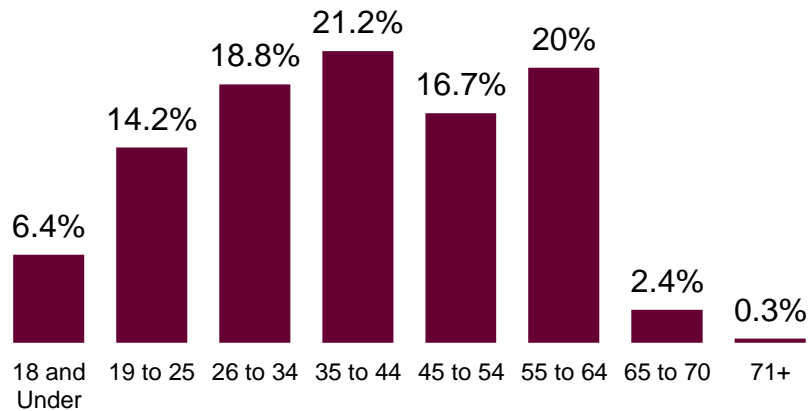


About our workforce

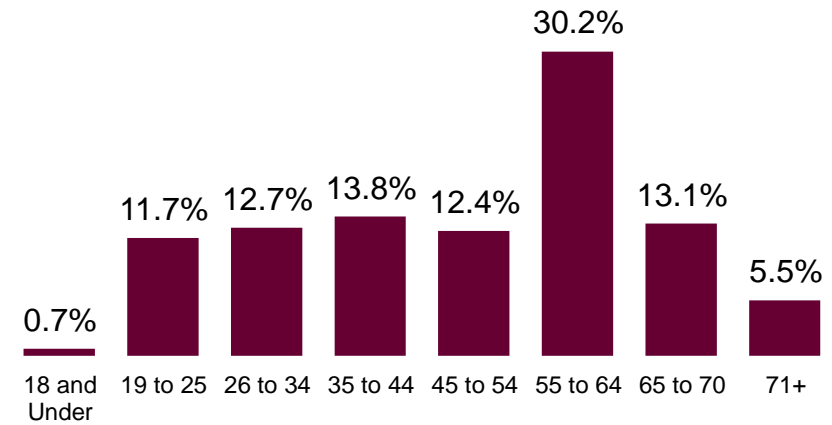
Age - all employees



Age - new starts



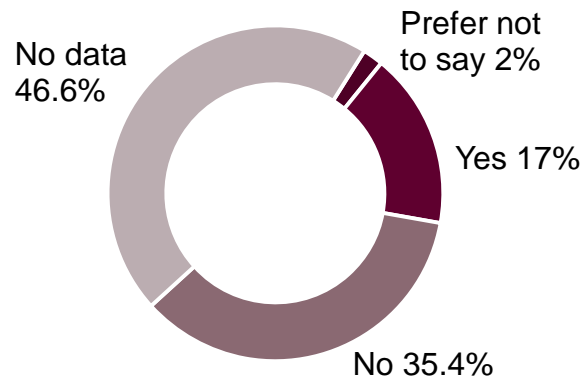
Age - Leavers



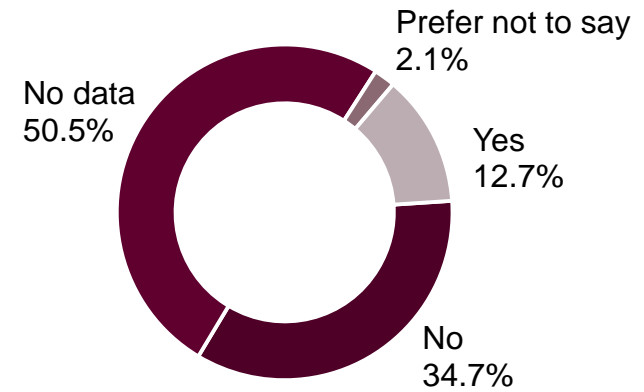
The age profile of the workforce hasn't changed significantly from previous reporting figures with the largest proportion of our employees remaining between the ages of 35 and 64. There has been a 2.2% increase of the percentage of 18 and under new starts in comparison to 4.2% as at 31 December 2023. There has also been a 2.3% decrease in leavers aged 19 to 25 in comparison to the previous years' figures.

Performance management statistics show of the employees involved in either a grievance, disciplinary or dignity at work process, the majority are between the ages of 45 and 64. These figures are reflective of the age profile of our employees and do not significantly differ from previous years' figures.

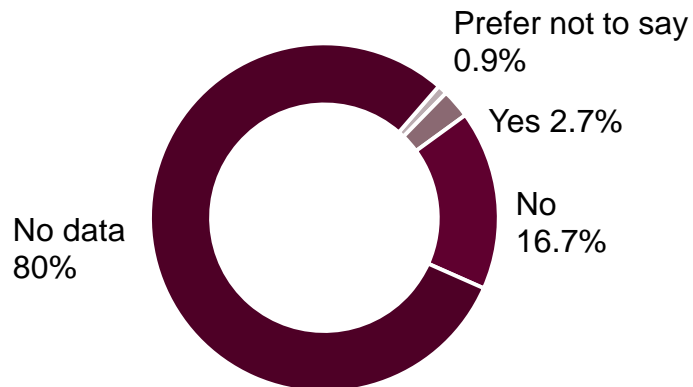
Carers - all employees



Carers - leavers



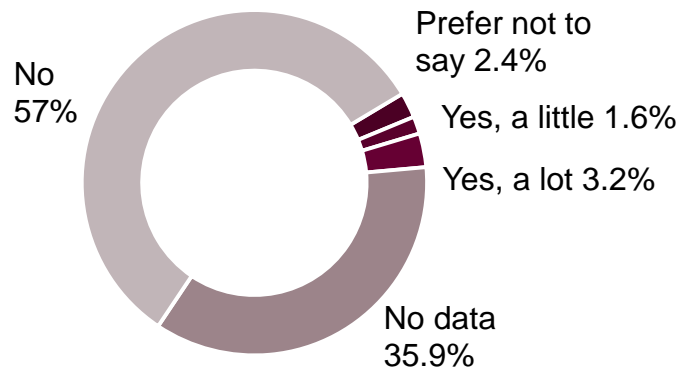
Carers - new starts



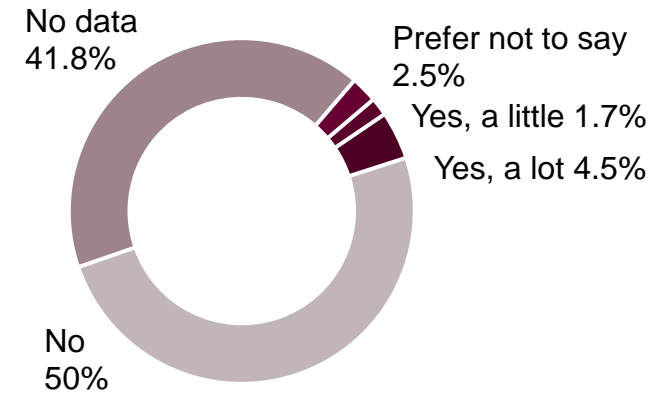
The number of employees reporting a caring responsibility has seen a slight decrease year on year, however, there has been a slight decrease (1.3%) in the number of leavers with caring responsibilities since the previous report.

We continue to experience low disclosure rates for diversity information among new starters and work is underway to review the new starter process and Corporate Induction to make improvements in this area.

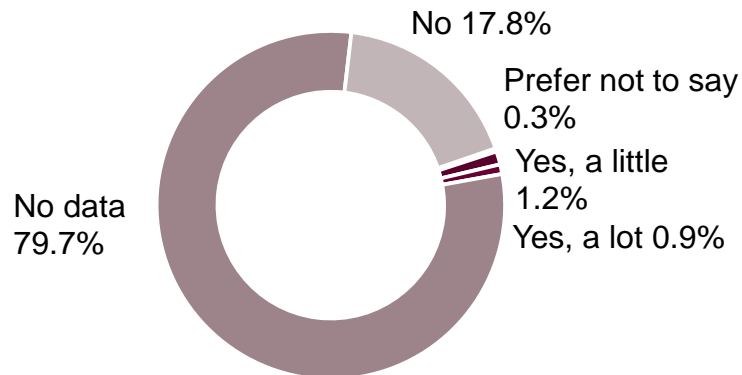
Disability - all employees



Disability - leavers



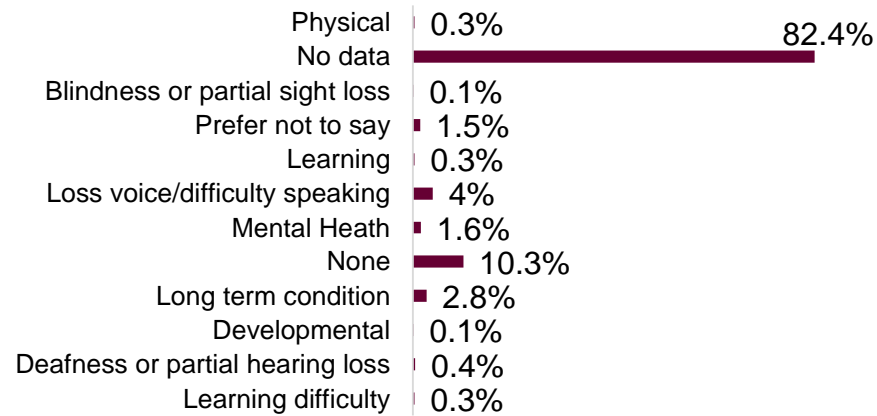
Disability - new starts



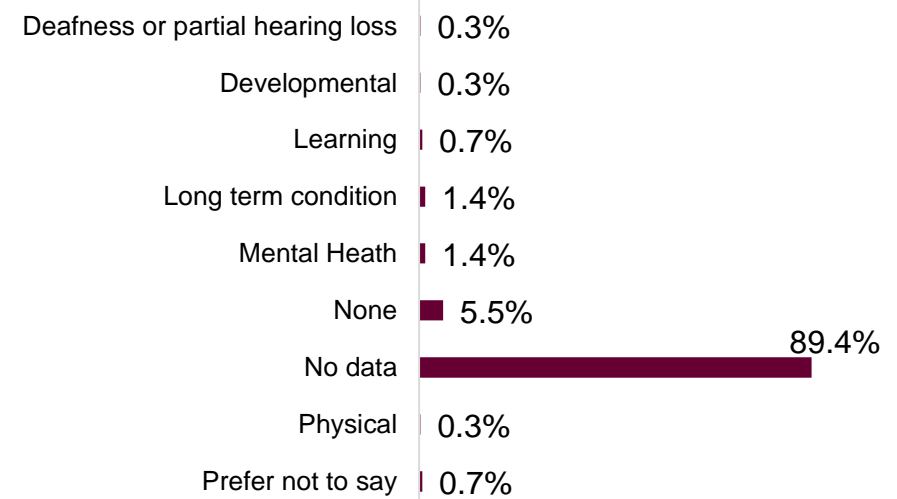
Employee disability figures have remained similar over the past two years, with little change noted during the reporting periods.

As a Disability Confident Employer, our long-term goal is to improve declaration rates in this area and to raise awareness and improve confidence in sharing disability related details. Work is also focussed on better equipping managers to support team members who have or acquire a disability. This links to the Equality Outcome to increase the diversity of our workforce.

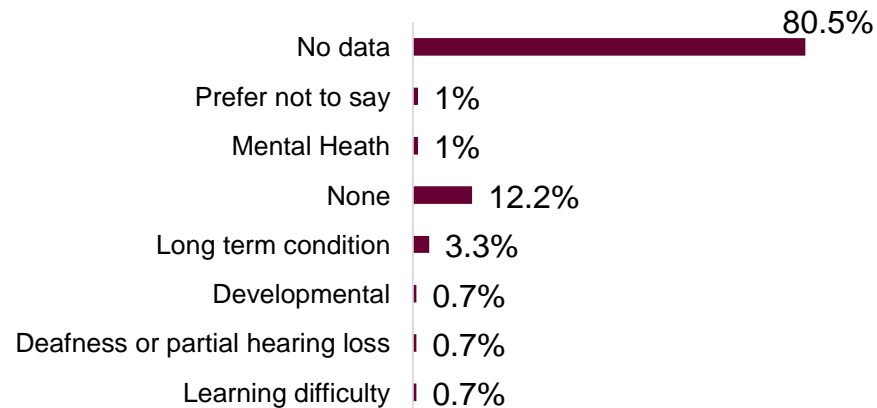
Health condition - all employees



Health condition - leavers



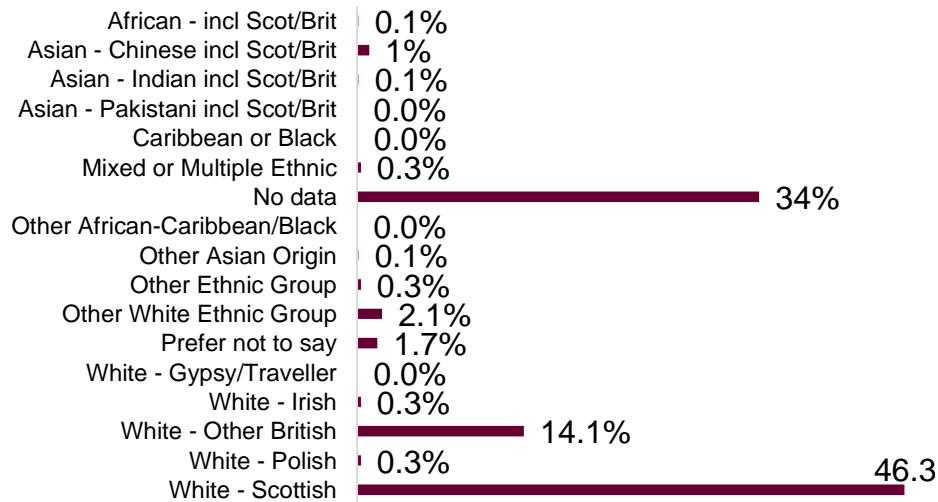
Health condition - new starts



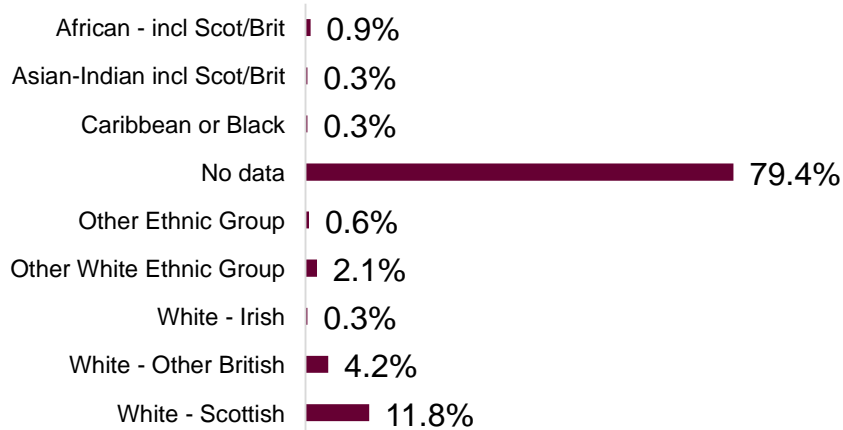
There has been a slight increase (1.4%) in the number of new starts disclosing a long-term health condition since our previous report, although declaration rates for new starts remain low. Improvements have been made in declaration rates for leavers, seeing a decrease in the levels of no data by 6.9%.

This data highlights the importance to continue efforts to encourage disclosure and provide support to employees with a range of health conditions, ensuring inclusive workplace practices.

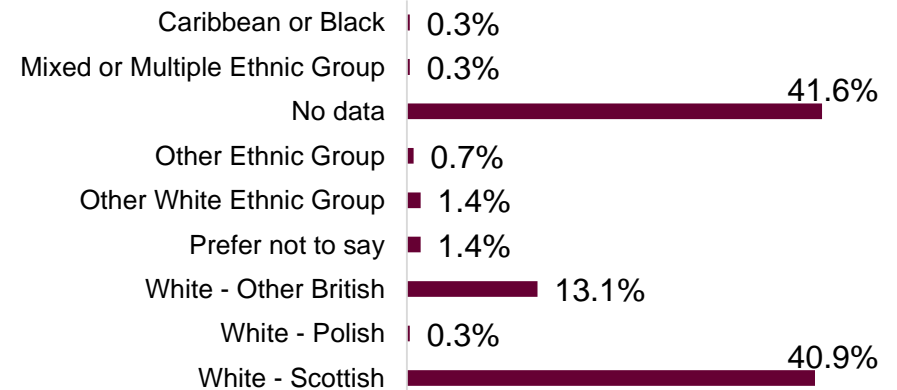
Ethnicity - all employees



Ethnicity - new starts

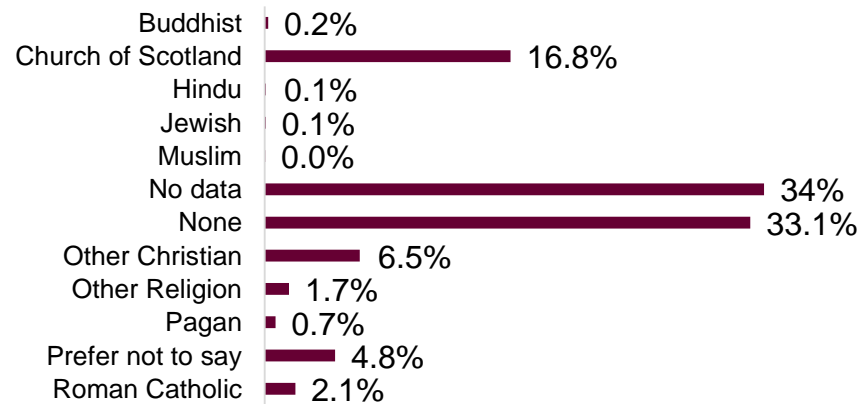


Ethnicity - leavers

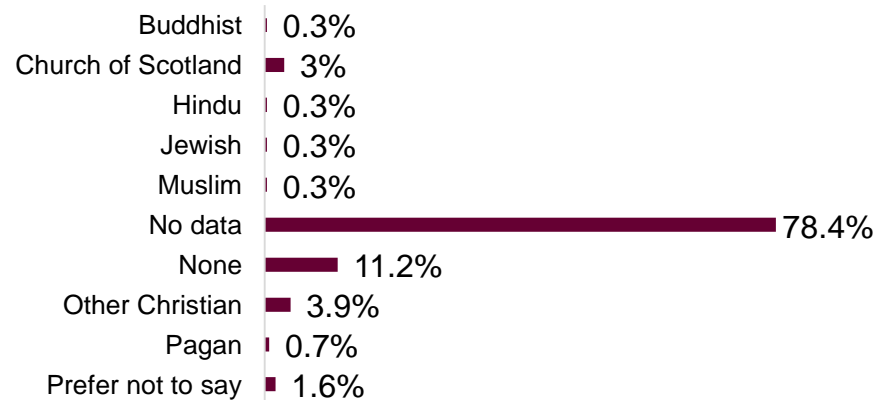


Ethnicity figures have shown minimal change over the past two years. For new starts there has been a slight decrease in those identifying as White – Scottish (-3.9%) and White - Other British (-1.4%), which may be accounted for by the slight increase in new starter records with no data.

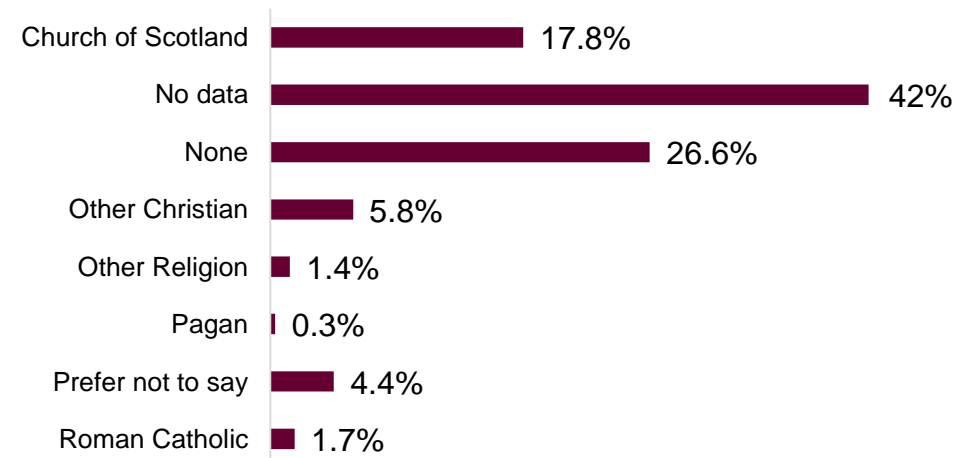
Religion or Belief - all employees



Religion or Belief - new starts

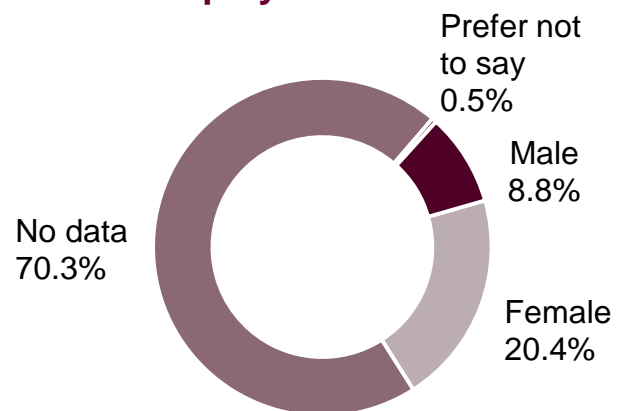


Religion or Belief - leavers



The data shows no significant change from the previous reporting period with 33.1% of employee records held declaring no religion or belief. Among those who did declare a belief, the most common was Church of Scotland (16.8%), followed by Other Christian (6.5%) and Roman Catholic (2.1%). Smaller groups included those identifying as Pagan, Other Religion, and Buddhist. Very small percentages identified as Muslim, Jewish, or Hindu. Additionally, 4.8% of employees prefer not to disclose their religion of belief.

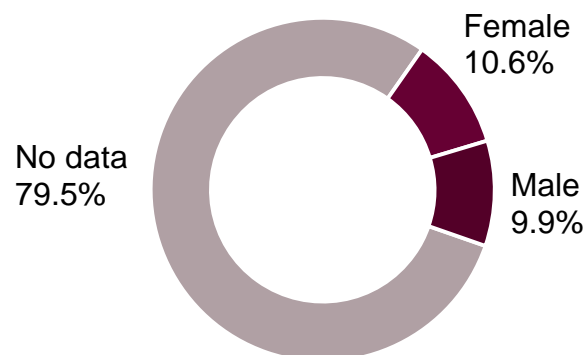
Sex - all employees



Sex - leavers



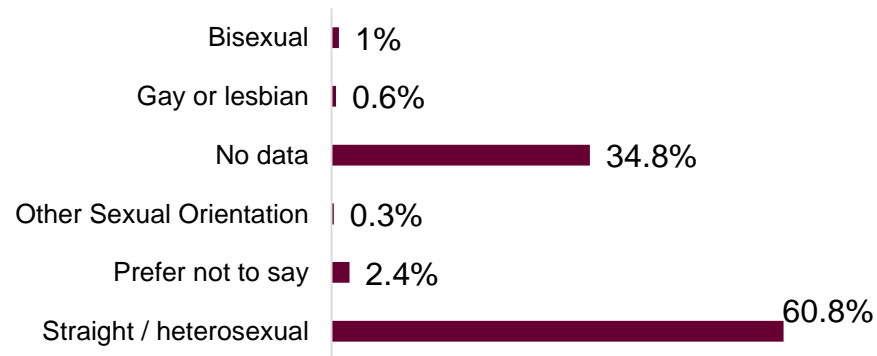
Sex - new starts



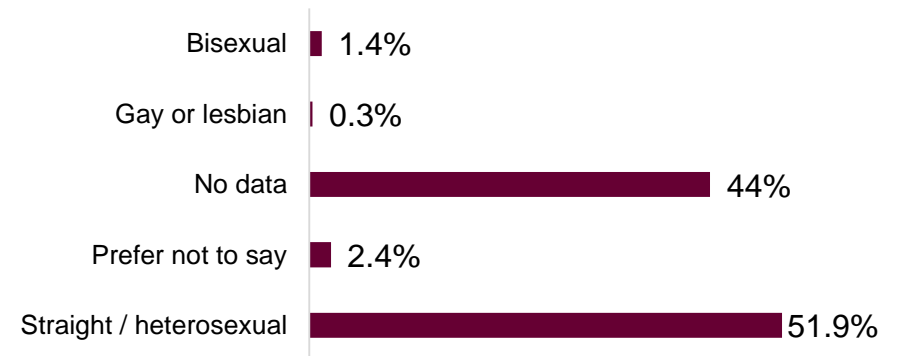
Data relating to sex has remained consistent over the past two years. According to the leavers data, the proportion of women leaving increased by 8.5% compared to the previous reporting period, and the proportion of male leavers increased by 2.5% over the same period. These statistics will continue to be monitored to identify any potential trends as low disclosure rates impact whether or not these are representative across the whole employee population.

Performance management statistics show of the employees involved in either a grievance, disciplinary or dignity at work process, 69% are women and 31% are men. These figures are not significantly different from previous years' figures.

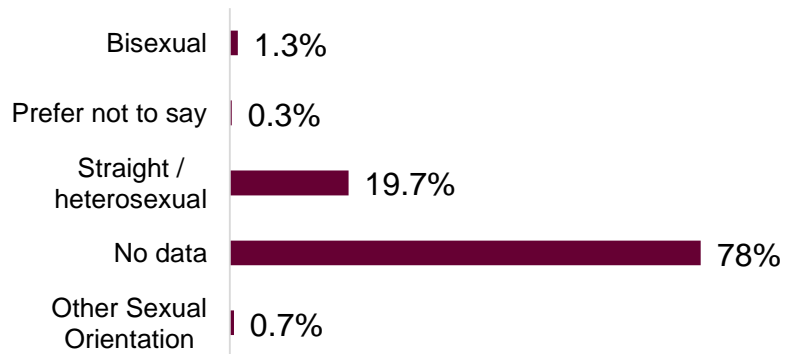
Sexual orientation - all employees



Sexual orientation - leavers



Sexual orientation - new starts



Overall figures relating to sexual orientation have remained similar over the last two years. New start declaration rates are low and are reflective of the other protected characteristic disclosure rates.

Transgender employees

Figures are collected for Transgender employees, new starts and leavers and these remain low (less than 1%) but analysis shows that these are consistent with previous years' data.

Minute

Police and Fire Sub-committee

Tuesday, 26 August 2025, 14:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors David Dawson, Graham A Bevan, Raymond S Peace, Jean E Stevenson and Mellissa-Louise Thomson.

Clerk

- Sandra Craigie, Committees Officer.

In Attendance

- Hayley Green, Director of Infrastructure and Organisational Development.
- Donna-Claire Hunter, Service Manager (Safety and Resilience).
- Kelechi Eze, Solicitor.

Scottish Fire and Rescue Service:

- David McGroarty, Group Commander.

Police Scotland:

- Chief Inspector Scott Robertson.

Observing

- Susan Taylor, Committees Officer.

Apologies

- Councillor Alexander G Cowie.
- Councillor Duncan A Tullock.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor David Dawson.

1. Performance Against Orkney Fire and Rescue Plan

After consideration of a report by Robert Lennox, Local Senior Officer, copies of which had been circulated, and after hearing a report from David McGroarty, Group Commander, the Sub-committee:

Scrutinised the statistical performance of the Scottish Fire and Rescue Services, Orkney Islands area, for the period 1 April to 30 June 2025, detailed in the Quarterly Performance Report, attached as Appendix 1 to the report by the Local Senior Officer, and obtained assurance that progress was being made against the objectives.

2. Performance Against Local Policing Plan

After consideration of a report by Chief Inspector Scott Robertson, Area Commander, copies of which had been circulated, the Sub-committee:

Scrutinised progress made against the objectives set within the Orkney Islands Local Policing Plan 2023 to 2026 Year 3, attached as Appendix 1 to the report by the Area Commander, for the period covering 1 April 2024 to 31 March 2025, and obtained assurance that progress was being made against the objectives.

3. Conclusion of Meeting

At 15:05 the Chair declared the meeting concluded.

Signed: David Dawson.

Minute

Pension Fund Sub-committee, together with Pension Board

Thursday, 28 August 2025, 14:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Pension Fund Sub-committee:

Councillors Alexander G Cowie, P Lindsay Hall, Rachael A King and Mellissa-Louise Thomson.

Pension Board:

Employer Representatives:

Councillors Graham A Bevan, David Dawson and Owen Tierney, Orkney Islands Council.
Karen Ritch, Orkney Ferries Limited.

Trade Union Representatives:

Karen Kent (Unison) and Eileen Swanney (Unison).

Present via remote link (Microsoft Teams)

Pension Fund Sub-committee:

Councillor Steven B Heddle.

Clerk

- Sandra Craigie, Committees Officer.

In Attendance

- Gareth Waterson, Director of Enterprise and Resources.
- Erik Knight, Head of Finance.
- Robert Adamson, Service Manager (Payroll and Pensions).
- Shonagh Merriman, Service Manager (Corporate Finance).
- Paul Maxton, Solicitor.
- Katie Gibson, Team Manager (Corporate Finance).
- Katrina Tait, Team Manager (Pensions).

Observing

- Karen Rorie, Senior Accounting Officer (for Item 1).
- Susan Taylor, Committees Officer.

Apologies

Pension Fund Sub-committee:

- Councillor Kristopher D Leask.
- Councillor Heather N Woodbridge.

Not Present

Pension Board, Trade Union Representative:

- Mark Vincent (GMB).

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Alexander G Cowie.

1. Pension Fund – Annual Accounts

After consideration of a report by the Director of Enterprise and Resources, copies of which had been circulated, and after hearing a report from the Head of Finance, the Sub-committee:

Resolved, in terms of delegated powers, that the draft Annual Report and Accounts of the Orkney Islands Council Pension Fund for financial year 2024/25, incorporating the Annual Governance Statement at pages 18 to 25, attached as Appendix 1 to the report by the Director of Enterprise and Resources, be approved.

2. Pension Administration

McCloud Discretion on 2025 Annual Benefit Statements

After consideration of a report by the Director of Enterprise and Resources, copies of which had been circulated, and after hearing a report from the Service Manager (Payroll and Pensions), the Sub-committee:

Noted:

2.1. The Discretion in place with the Pensions Regulator for the 2024/25 Annual Benefit Statements.

2.2. That work was ongoing to ensure the Orkney Local Government Pension Scheme satisfied the Pensions Regulator in respect of McCloud, including a clear operational plan, to be developed following the outcome of a meeting of Scottish Local Government Pension Scheme administering authorities held on 26 August 2025.

3. Conclusion of Meeting

At 14:20 the Chair declared the meeting concluded.

Signed: Alexander G Cowie.

Minute

Asset Management Sub-committee

Tuesday, 2 September 2025, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Alexander G Cowie, Steven B Heddle, Kristopher D Leask, Janette A Park, Ivan A Taylor and Heather N Woodbridge.

Present via remote link (Microsoft Teams)

Councillor Mellissa-Louise Thomson.

Clerk

- Sandra Craigie, Committees Officer.

In Attendance

- Hayley Green, Director of Infrastructure and Organisational Development.
- Kenny MacPherson, Head of Property and Asset Management.
- Thomas Aldred, Service Manager (ICT).
- Shonagh Merriman, Service Manager (Corporate Finance).
- Glen Thomson, Service Manager (Property and Capital Projects).
- Michael Scott, Solicitor.
- Gwyn Evans, Strategic Projects.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Alexander G Cowie.

1. Revenue Expenditure Outturn

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

1.1. The revenue financial summary statement in respect of service areas for which the Asset Management Sub-committee was responsible, for financial year 2024/25, attached as Annex 1 to the report by the Head of Finance, indicating a budget overspend position of £1,633,800.

1.2. The revenue financial detail by service area statement in respect of service areas for which the Asset Management Sub-committee was responsible, for financial year 2024/25, attached as Annex 2 to the report by the Head of Finance.

1.3. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance.

2. Revenue Expenditure Monitoring

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

2.1. The revenue financial summary statement in respect of service areas for which the Asset Management Sub-committee was responsible, for the period 1 April to 30 June 2025, attached as Annex 1 to the report by the Head of Finance, indicating a budget surplus position of £229,700.

2.2. The revenue financial detail by service area statement in respect of service areas for which the Asset Management Sub-committee was responsible, for the period 1 April to 30 June 2025, attached as Annex 2 to the report by the Head of Finance.

2.3. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance.

3. Corporate Asset Maintenance Programmes

Revenue Expenditure Outturn

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

3.1. The summary position of expenditure incurred for financial year 2024/25 in respect of the approved corporate asset maintenance programmes, as detailed in section 1.4 of the report by the Head of Finance.

3.2. The detailed analysis of expenditure figures and programme updates in respect of the approved corporate asset maintenance programmes for 2024/25, attached as Appendix 1 to the report by the Head of Finance.

4. Corporate Asset Maintenance Programmes

Revenue Expenditure Monitoring

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

4.1. The summary position of expenditure incurred, as at 30 June 2025, in respect of the approved corporate asset maintenance programmes for 2025/26, as detailed in section 1.4 of the report by the Head of Finance.

4.2. The detailed analysis of expenditure figures and programme updates in respect of the approved corporate asset maintenance programmes for 2025/26, attached as Appendix 1 to the report by the Head of Finance.

5. Corporate Asset Improvement Programmes

Capital Expenditure Outturn

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

5.1. The summary outturn position of expenditure incurred for financial year 2024/25 in respect of the approved corporate asset improvement programmes, as detailed in section 1.4 of the report by the Head of Finance.

5.2. The detailed analysis of expenditure figures and programme updates in respect of the approved corporate asset improvement programmes for 2024/25, attached as Appendix 1 to the report by the Head of Finance.

6. Corporate Asset Improvement Programmes

Capital Expenditure Monitoring

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

6.1. The summary position of expenditure incurred as at 30 June 2025 in respect of the approved corporate asset improvement programmes for 2025/26, as detailed in section 1.4 of the report by the Head of Finance.

6.2. The detailed analysis of expenditure figures and programme updates in respect of the approved corporate asset improvement programmes for 2025/26, attached as Appendix 1 to the report by the Head of Finance.

7. Information Technology Strategy – Delivery Plan Update

After consideration of a report by the Director of Infrastructure and Organisational Development, copies of which had been circulated, and after hearing a report from the Service Manager (ICT), the Sub-committee:

Noted the updated IT and Cyber Security Delivery Plan, attached as Appendix 1 to the report by the Director of Infrastructure and Organisational Development.

8. Conclusion of Meeting

At 10:02 the Chair declared the meeting concluded.

Signed: Alexander G Cowie.